

<p style="text-align: center;">1</p> <p style="text-align: center;">IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA</p> <p>STATE OF TEXAS,) Plaintiff,) V.) ERIC H. HOLDER, JR.,) in his official capacity) as Attorney General of) the United States,) Defendant.) ERIC KENNIE, et al.,) Defendant-Intervenors,) TEXAS STATE CONFERENCE) CASE NO. 1:12-CV-00128 OF NAACP BRANCHES, et al.,) (RMC-DST-RLW) Defendant-intervenors,) Three-Judge Court TEXAS LEAGUE OF YOUNG) VOTERS EDUCATION FUND, et al.,) Defendant-Intervenors,) TEXAS LEGISLATIVE BLACK) CAUCUS, et al.,) Defendant-Intervenors,) VICTORIA RODRIGUEZ, et al.,) Defendant-Intervenors.)</p> <p style="text-align: center;">ORAL DEPOSITION OF RICHARD PARSONS JUNE 14, 2012</p> <p>ORAL DEPOSITION OF RICHARD PARSONS, produced as a witness at the instance of the Defendant-Intervenors, and duly sworn, was taken in the above-styled and numbered cause on the 14th day June, 2012, from 2:06 p.m. to 5:23 p.m., before Amy C. Kofron, CSR in and for the State of Texas, reported by machine shorthand, at the offices of Dechert, 300 West 6th Street, Austin, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.</p>	<p style="text-align: center;">3</p> <p style="text-align: center;">INDEX</p> <p>1 2 3 Appearances. 2 4 RICHARD PARSONS 5 Examination by Mr. Vandewalker. . . 4 6 Examination by Ms. Westfall. . . 77 7 Signature and Changes. . . 96 8 Reporter's Certificate. . . 98 9 10 EXHIBITS 11 NO. DESCRIPTION PAGE 12 1 Request for Proposal 10 13 2 Account Tracking 16 14 3 Burson-Marsteller Invoice 17 15 4 Burson-Marsteller Invoice 20 16 5 Burson-Marsteller Invoice 21 17 6 Account Tracking 22 18 7 Burson-Marsteller documents 46 19 8 Affidavit of Keith Ingram 58 20 9 Excerpts of Deposition of Keith Ingram 59 21 560 Secretary of State article 81 22 23 24 25</p>
<p style="text-align: center;">2</p> <p style="text-align: center;">A P P E A R A N C E S</p> <p>1 2 3 FOR THE PLAINTIFF: 4 Mr. Reynolds Brissenden 5 OFFICE OF THE ATTORNEY GENERAL OF TEXAS 6 P.O. Box 12548 7 Austin, Texas 78711-2548 8 9 FOR THE DEFENDANT: 10 Ms. Elizabeth Westfall 11 Ms. Michelle McLeod 12 U.S. DEPARTMENT OF JUSTICE 13 950 Pennsylvania Avenue NW 14 NWB Room 7203 15 Washington, DC 20530 16 17 FOR THE DEFENDANT-INTERVENORS, TEXAS 18 STATE CONFERENCE OF NAACP BRANCHES AND 19 MEXICAN AMERICAN LEGAL CAUCUS: 20 Mr. Ian Vandewalker, via phone 21 Ms. Myrna Perez, via phone 22 THE BRENNAN CENTER FOR JUSTICE 23 AT NYU LAW SCHOOL 24 161 Avenue of the Americas, Floor 12 25 New York, New York 10013-1205</p> <p>Also Present: Ms. Lindsey Stencil Mr. Nick Riley, via phone</p>	<p style="text-align: center;">4</p> <p>1 RICHARD PARSONS, 2 having been first duly sworn, testified as follows: 3 EXAMINATION 4 BY MR. VANDEWALKER: 5 Q. Good afternoon, Mr. Parsons. My name is Ian 6 Vandewalker. I represent the defendant-intervenors in this 7 matter, the Texas State Conference of NAACP and Mexican American 8 Legislative Caucus. 9 Thank you for coming to appear for this deposition 10 today. And I also thank you for your patience in advance. With 11 the phone setup, I wasn't able to make it there for the 12 deposition. I apologize for that, but hopefully we won't have 13 any communications problems on the phone. Can you hear me all 14 right? 15 A. Yes, I can. 16 Q. Okay. Thank you. Could you just state and spell your 17 full name for the record. 18 A. Richard Daniel Parsons, R-i-c-h-a-r-d, Daniel, 19 D-a-n-i-e-l, Parsons, P-a-r-s-o-n-s. 20 Q. Thank you. And are you represented by counsel today? 21 A. Yes. 22 Q. And who is your attorney? 23 A. Reynolds -- what was your last name? 24 MR. BRISSENDEN: Brissenden. 25 A. Reynolds Brissenden.</p>



<p style="text-align: center;">5</p> <p>1 Q. And who is your current employer?</p> <p>2 A. State of Texas.</p> <p>3 Q. Have you ever been deposed before?</p> <p>4 A. No.</p> <p>5 Q. Okay. I am going to go through some sort of ground</p> <p>6 rules, basic instructions to help things go smoothly today. You</p> <p>7 are under oath and are required to answer all questions</p> <p>8 truthfully and to the best of your knowledge; do you understand</p> <p>9 that?</p> <p>10 A. Yes.</p> <p>11 Q. If you don't fully hear a question, please ask me to</p> <p>12 repeat it. Will you do that?</p> <p>13 A. Yes.</p> <p>14 Q. And if you don't understand a question, please tell me</p> <p>15 so. Will you do that?</p> <p>16 A. Yes.</p> <p>17 Q. Thank you. And also, especially because there's some</p> <p>18 unnaturalness to the conversation because I'm on the phone,</p> <p>19 please wait for me to complete my question before you start your</p> <p>20 answer. Will you do that?</p> <p>21 A. Yes.</p> <p>22 Q. And also please answer all questions verbally so that</p> <p>23 the court reporter can get it down rather than with gestures.</p> <p>24 Will you do that?</p> <p>25 A. Yes.</p>	<p style="text-align: center;">7</p> <p>1 Q. Okay. You currently work for the Texas Secretary of</p> <p>2 State's office?</p> <p>3 A. Yes.</p> <p>4 Q. And how long have you worked for the Secretary of</p> <p>5 State's office?</p> <p>6 A. Since mid September of 2011. I don't know the exact</p> <p>7 date that I began employment there.</p> <p>8 Q. That's fine. Thank you.</p> <p>9 A. Excuse me. Since mid, late September. I don't</p> <p>10 remember the exact date.</p> <p>11 Q. Okay. What is your official title at the Secretary of</p> <p>12 State's office?</p> <p>13 A. Director of Communications.</p> <p>14 Q. And is that the position that you've held since</p> <p>15 September of 2011?</p> <p>16 A. Yes.</p> <p>17 Q. What did you do for a living prior to working for the</p> <p>18 Secretary of State's office?</p> <p>19 A. Prior to joining the Secretary of State's office I</p> <p>20 worked for a private communications agency in Austin.</p> <p>21 Q. And as Director of Communications for the Secretary of</p> <p>22 State's office, what are your official duties?</p> <p>23 A. Media relations, speech preparation, press release</p> <p>24 writing, anything that generally has to do with external</p> <p>25 communications and some internal communications.</p>
<p style="text-align: center;">6</p> <p>1 Q. Are you taking any medication today that would prevent</p> <p>2 you from giving true and accurate answers to my questions?</p> <p>3 A. No.</p> <p>4 Q. Is there any other circumstance you're aware of that</p> <p>5 would prevent you from giving true and accurate answers to my</p> <p>6 questions today?</p> <p>7 A. No.</p> <p>8 Q. Did you do anything to prepare for today's deposition?</p> <p>9 A. Yes.</p> <p>10 Q. What did you do?</p> <p>11 A. Looked back at some of the documents that I provided</p> <p>12 as a result of this notice of deposition and got some updated</p> <p>13 information from my contact at the vendor for the voter</p> <p>14 education program.</p> <p>15 Q. And what's the name of that vendor?</p> <p>16 A. Burson-Marsteller.</p> <p>17 Q. Thank you. Did you talk to anybody else in</p> <p>18 preparation for today's deposition?</p> <p>19 A. I spoke with the attorneys from the Attorney General's</p> <p>20 office.</p> <p>21 Q. Okay. And do you know which attorney it was?</p> <p>22 A. Yes.</p> <p>23 Q. And who were they?</p> <p>24 A. Reynolds, Brooke. What's her last name? Paup?</p> <p>25 Brooke Paup and Jay Dyer.</p>	<p style="text-align: center;">8</p> <p>1 Q. Do you typically oversee the Secretary of State's</p> <p>2 voter education initiatives?</p> <p>3 A. I do -- I oversee the current one.</p> <p>4 Q. Right. Okay. Thank you. And you oversee the</p> <p>5 Secretary of State's efforts to train poll workers?</p> <p>6 A. I'm sorry. Could you repeat that.</p> <p>7 Q. Do you oversee the Secretary of State's efforts to</p> <p>8 train poll workers?</p> <p>9 A. No.</p> <p>10 Q. Okay. Does the Secretary of State's office have any</p> <p>11 plans to carry out, as a general matter, any statewide voter</p> <p>12 education initiatives in 2012?</p> <p>13 A. Yes.</p> <p>14 Q. Does the Secretary of State's office -- could you,</p> <p>15 just as a general matter, tell me what is the purpose of the</p> <p>16 voter education initiative in 2012?</p> <p>17 MR. BRISSENDEN: Objection, vague.</p> <p>18 MR. VANDEWALKER: You can answer, if you</p> <p>19 understand the question.</p> <p>20 A. To provide resources and information for voters and</p> <p>21 voting age population to understand the voter registration</p> <p>22 process, the election process and how to participate in that</p> <p>23 process.</p> <p>24 Q. Is the Make Your Mark on Texas voter education plan</p> <p>25 the voter education initiative for the Secretary of State for</p>



<p style="text-align: center;">9</p> <p>1 this year?</p> <p>2 A. Yes.</p> <p>3 Q. Are there any other statewide voter education</p> <p>4 initiatives planned for 2012?</p> <p>5 A. Not formally in the, I guess, scope of the Make Your</p> <p>6 Mark on Texas program. But we are constantly answering</p> <p>7 questions and providing whatever resources we can to anyone who</p> <p>8 needs them.</p> <p>9 Q. And just to clarify, you mean questions from voters?</p> <p>10 A. Voters, media, interest groups.</p> <p>11 Q. Did the Secretary of State hire a vendor to design the</p> <p>12 Make Your Mark on Texas plan?</p> <p>13 A. Yes.</p> <p>14 Q. And is that Burson-Marsteller that you mentioned</p> <p>15 earlier, is that the vendor in question?</p> <p>16 A. Yes.</p> <p>17 Q. How did the Secretary of State's office select</p> <p>18 Burson-Marsteller to design the voter education plan?</p> <p>19 A. An RFP was let under whatever rules and regulations</p> <p>20 are required by state procurement process. Several companies</p> <p>21 responded, submitted proposals. Those proposals were scored by</p> <p>22 an internal team. Then the three highest scoring companies were</p> <p>23 invited in for oral presentations. Then following the oral</p> <p>24 presentations the team discussed the presentations and voted on</p> <p>25 the vendor to select.</p>	<p style="text-align: center;">11</p> <p>1 No. 12111 in part responds to that by asking for a vendor to</p> <p>2 help with educating voters about photo ID requirements?</p> <p>3 A. Yes.</p> <p>4 Q. And are you aware of any other RFPs, other than</p> <p>5 No. 12111, that would respond to the requirements to voters</p> <p>6 about photo ID requirements?</p> <p>7 A. No.</p> <p>8 Q. Who drafted RFP No. 12111?</p> <p>9 A. I don't know.</p> <p>10 Q. Do you know when it was drafted?</p> <p>11 A. Generally, last year.</p> <p>12 Q. And do you know when last year?</p> <p>13 A. Not specifically.</p> <p>14 Q. Do you know when it was issued?</p> <p>15 A. I don't know the date, but the general time frame.</p> <p>16 Q. And when was it issued?</p> <p>17 A. I believe it was issued in October 2011.</p> <p>18 Q. And how many voter education plan proposals did the</p> <p>19 Secretary of State's office receive in response to this RFP?</p> <p>20 A. As I recall, it was fewer than ten.</p> <p>21 Q. Were you a part of the process to select the vendor</p> <p>22 from those proposals?</p> <p>23 A. Yes.</p> <p>24 Q. Do you -- did any of those proposals specifically</p> <p>25 include plans designed to target African American communities?</p>
<p style="text-align: center;">10</p> <p>1 MR. VANDEWALKER: Okay. And if I could ask</p> <p>2 Ms. Stelcen to find the exhibit that's titled Request For</p> <p>3 Proposal No. 12111.</p> <p>4 MS. STELCEN: I'm going to hand it to the court</p> <p>5 reporter to mark as Parsons Exhibit 1.</p> <p>6 MR. VANDEWALKER: Thank you.</p> <p>7 (Exhibit No. 1 marked)</p> <p>8 MS. STELCEN: Okay.</p> <p>9 Q. Okay. Mr. Parsons, is this the RFP that you were</p> <p>10 referring to just now?</p> <p>11 A. It looks like it.</p> <p>12 Q. If you want to take a second to read through it to</p> <p>13 make sure that you have identified it, that's okay.</p> <p>14 A. Yes. This looks like it, yeah. Yes.</p> <p>15 Q. To your knowledge, did the Secretary of State issue</p> <p>16 any other RFPs other than No. 12111 to solicit proposals for</p> <p>17 voter education plans related to S.B. 14?</p> <p>18 A. Not since this one.</p> <p>19 Q. Do you know if there were any before this one?</p> <p>20 A. Can you clarify that.</p> <p>21 Q. Is it your understanding that S.B. 14 requires the</p> <p>22 Secretary of State to educate voters about photo ID requirements</p> <p>23 for voting?</p> <p>24 A. Yes.</p> <p>25 Q. And is it your understanding that request -- RFP</p>	<p style="text-align: center;">12</p> <p>1 A. Pardon me?</p> <p>2 Q. Did any of those proposals specifically include plans</p> <p>3 designed to target African American communities?</p> <p>4 A. I don't remember the specifics of the plans that we</p> <p>5 received.</p> <p>6 Q. Do you remember if any of them included plans</p> <p>7 specifically designed to -- strike that.</p> <p>8 Were there rating or selection criteria used to</p> <p>9 differentiate the proposals from each other?</p> <p>10 A. Yes.</p> <p>11 Q. And what were those criteria?</p> <p>12 A. There were several. I don't recall them section by</p> <p>13 section.</p> <p>14 Q. Do you remember any of them?</p> <p>15 A. No.</p> <p>16 Q. Do you recall if those criteria involve treating as a</p> <p>17 positive whether the plan targeted African American voters?</p> <p>18 A. I don't recall.</p> <p>19 Q. Do you recall whether those criteria treated as a</p> <p>20 positive including plans to target Latino voters?</p> <p>21 A. I don't recall.</p> <p>22 Q. Who else was on the team that selected the vendor for</p> <p>23 this RFP?</p> <p>24 A. Jordy Keith, who at the time was Deputy Communications</p> <p>25 Director; John Sepehri, who at the time was general counsel for</p>



<p style="text-align: center;">13</p> <p>1 the Secretary of State's office; and Louri O'Leary, who was and</p> <p>2 is currently administration in the Elections division; and</p> <p>3 Leticia Salazar.</p> <p>4 Q. Thank you. And when was the decision made to select</p> <p>5 Burson-Marsteller?</p> <p>6 A. I believe it was made in December.</p> <p>7 Q. And why did your office select Burson-Marsteller as</p> <p>8 the vendor?</p> <p>9 A. I can only speak to why they scored -- or why I</p> <p>10 personally felt they were the best company.</p> <p>11 Q. Okay. Why did you think they were the best company?</p> <p>12 A. I thought their creative was good. I thought they</p> <p>13 presented the most flexibility with regard to implementing --</p> <p>14 developing and implementing an education program, whether it was</p> <p>15 focused on -- whether Senate Bill 14 got precleared or whether</p> <p>16 it didn't. And they had done this -- they had experience with</p> <p>17 similar voter education programs in Texas and at least a couple</p> <p>18 of other states that I don't recall what those states were.</p> <p>19 Q. And how did they show the flexibility that you</p> <p>20 mentioned?</p> <p>21 A. Their campaign -- in my estimation, their campaign</p> <p>22 could easily be implemented to educate voters generally and</p> <p>23 specifically on any new photo identification requirements in --</p> <p>24 as required by Senate Bill 14. And if -- at the time if Senate</p> <p>25 Bill 14 did not get preclearance could be shifted to a general</p>	<p style="text-align: center;">15</p> <p>1 but I don't recall the specifics of the discussion.</p> <p>2 Q. Do you recall any of the context of that discussion?</p> <p>3 Did they mention what client that kind of work might have been</p> <p>4 done for?</p> <p>5 A. I don't recall the specifics.</p> <p>6 Q. Do you recall them communicating that they had</p> <p>7 extensive experience in that area?</p> <p>8 A. No, I don't recall that.</p> <p>9 Q. How much money does the Secretary of State's office</p> <p>10 plan to spend on the Make Your Mark on Texas plan?</p> <p>11 A. As the RFP lays out, proposers should assume a total</p> <p>12 budget of no more than \$3 million.</p> <p>13 Q. Do you know if that, in fact, is the budget for the</p> <p>14 Make Your Mark on Texas plan?</p> <p>15 A. I would direct you again to the language in the RFP,</p> <p>16 that the proposer should assume a budget of no more than</p> <p>17 \$3 million.</p> <p>18 Q. So that says what the parameters of the RFP is. What</p> <p>19 I'm trying to ask is what is the Secretary of State's actual</p> <p>20 budgeting decision about the Make Your Mark on Texas plan? Do</p> <p>21 you know if \$3 million is, in fact, what's budgeted for the Make</p> <p>22 Your Mark on Texas plan?</p> <p>23 A. I know that it's consistent with what's in the RFP.</p> <p>24 MR. VANDEWALKER: Okay. If I could again have</p> <p>25 Ms. Stelcen's help to introduce Exhibit Bates No. Texas 298674.</p>
<p style="text-align: center;">14</p> <p>1 voter education program very easily.</p> <p>2 Q. And how would they do that shifting? What would the</p> <p>3 -- how did their proposal prove to you that they could do that</p> <p>4 kind of shifting?</p> <p>5 A. Their concepts could be used in either informing on</p> <p>6 the regulation or requirements of Senate Bill 14 or they could</p> <p>7 be used in a general voter education engagement message.</p> <p>8 Q. Did any legislators encourage anyone in the Secretary</p> <p>9 of State's office to select Burson-Marsteller?</p> <p>10 A. No, none that I'm aware of.</p> <p>11 Q. Did anyone from the governor's office encourage your</p> <p>12 office to select Burson-Marsteller?</p> <p>13 A. No, none that I'm aware of.</p> <p>14 Q. Did anyone in the Lt. Governor's office encourage your</p> <p>15 office to select Burson-Marsteller?</p> <p>16 A. No, none that I'm aware of.</p> <p>17 Q. To your knowledge, does Burson-Marsteller have any</p> <p>18 experience targeting non-white or non-Anglo communities of</p> <p>19 voters?</p> <p>20 MR. BRISSENDEN: Objection, vague.</p> <p>21 A. Yeah. Can you be more specific or re-ask.</p> <p>22 Q. To your knowledge, has Burson-Marsteller engaged in</p> <p>23 public education campaigns that are targeted to non-white or</p> <p>24 non-Anglo communities in the past?</p> <p>25 A. As I recall, there was discussion of that with them,</p>	<p style="text-align: center;">16</p> <p>1 Document has at the top Secretary of State/State of Texas then a</p> <p>2 code and Account Tracking through March 31st 2012.</p> <p>3 MS. STELCEN: I'm going to have the court</p> <p>4 reporter mark this as Parsons Exhibit 2.</p> <p>5 (Exhibit No. 2 marked)</p> <p>6 MS. STELCEN: And it's been placed in front of</p> <p>7 Mr. Parsons.</p> <p>8 MR. VANDEWALKER: Thank you.</p> <p>9 Q. Mr. Parsons, are you familiar with this document?</p> <p>10 A. Yep. Yes. Sorry.</p> <p>11 Q. Thank you. And what is it?</p> <p>12 A. It's a statement of account tracking.</p> <p>13 Q. So if I could direct your attention to the small box</p> <p>14 on the top left. It says there "Budget" and then next to the</p> <p>15 budget entry it says 3 million. Do you know what that refers</p> <p>16 to?</p> <p>17 A. The budget for the Make Your Mark program.</p> <p>18 Q. Okay. And -- so I'm -- just to get the lingo down so</p> <p>19 we can refer to this later, would you call this an account</p> <p>20 tracking document?</p> <p>21 A. That's what it says it is at the top.</p> <p>22 Q. Okay. And is it your understanding that this document</p> <p>23 shows a total amount expended as of a certain date?</p> <p>24 A. That's correct.</p> <p>25 Q. And what is that date?</p>



<p style="text-align: center;">17</p> <p>1 A. March 31st, 2012.</p> <p>2 Q. Okay. And how much has been expended as of March</p> <p>3 31st, 2012?</p> <p>4 A. According to this document, just under \$1.2 million.</p> <p>5 Q. Okay. And that leaves just obviously, according to</p> <p>6 math and the document, about \$1.8 million out of the \$3 million;</p> <p>7 is that correct?</p> <p>8 A. Yes.</p> <p>9 MR. VANDEWALKER: Okay. Thank you. If we could</p> <p>10 turn to another exhibit. It begins with Bates Stamp Texas</p> <p>11 298635.</p> <p>12 MS. STELCEN: Okay. I'm going to have the court</p> <p>13 reporter mark it as Parsons Exhibit 3.</p> <p>14 MR. VANDEWALKER: Thank you.</p> <p>15 (Exhibit No. 3 marked)</p> <p>16 MS. STELCEN: And Exhibit 3 has been placed in</p> <p>17 front of the witness.</p> <p>18 Q. So Mr. Parsons, are you familiar with this document?</p> <p>19 A. Yes.</p> <p>20 Q. And could you tell me what it is?</p> <p>21 A. It's an invoice from Burson-Marsteller.</p> <p>22 Q. And what date is the invoice?</p> <p>23 A. February 15th.</p> <p>24 Q. And what is the total due on the invoice?</p> <p>25 A. \$40,065.</p>	<p style="text-align: center;">19</p> <p>1 A. Well, it would appear that the invoice is reflected in</p> <p>2 the tracking document, now that I've had a chance to look at it.</p> <p>3 Q. Okay. And how do you know the invoice is reflected in</p> <p>4 the tracking document?</p> <p>5 A. I didn't say I knew. I said it would appear.</p> <p>6 Q. What makes it appear that the invoice is reflected in</p> <p>7 the tracking document?</p> <p>8 A. The total amount on the front of the invoice is in the</p> <p>9 column under January 12th.</p> <p>10 Q. And why would an invoice dated February 15th appear</p> <p>11 under a column marked January 12th?</p> <p>12 A. I don't know.</p> <p>13 Q. Is this, the account tracking document, the kind of</p> <p>14 thing that you see in your day-to-day duties at the Secretary of</p> <p>15 State's office?</p> <p>16 A. Not day to day.</p> <p>17 Q. Do you ever see something like this at the Secretary</p> <p>18 of State's office?</p> <p>19 A. Yes.</p> <p>20 Q. Do you know how the account tracking document was</p> <p>21 generated?</p> <p>22 A. It was generated by Burson-Marsteller.</p> <p>23 Q. Do you know how this document came to be produced to</p> <p>24 the attorneys for the State of Texas and ultimately to us?</p> <p>25 A. I believe I turned it over in response to the Notice</p>
<p style="text-align: center;">18</p> <p>1 Q. Is that amount reflected in the account tracking</p> <p>2 document that we've discussed just now?</p> <p>3 A. I don't know.</p> <p>4 Q. If you were going to find out, what would you do?</p> <p>5 A. I would call Burson and ask them.</p> <p>6 Q. What would you ask them?</p> <p>7 A. The question you just asked, I guess.</p> <p>8 Q. Okay. I understand the account tracking document to</p> <p>9 be a document internal to the Secretary of State's office,</p> <p>10 keeping track of expenditures. So I'm not sure how</p> <p>11 Burson-Marsteller would know what is or is not included in that</p> <p>12 document.</p> <p>13 MR. BRISSENDEN: Objection, argumentative.</p> <p>14 MR. VANDEWALKER: You can answer.</p> <p>15 MR. BRISSENDEN: There's no question pending.</p> <p>16 MR. VANDEWALKER: There is a question pending. I</p> <p>17 would ask the court reporter to read it back, please.</p> <p>18 (Requested portion read by reporter)</p> <p>19 MR. VANDEWALKER: I apologize. You're right.</p> <p>20 There is not a question pending.</p> <p>21 Q. How would Burson-Marsteller know what is or is not</p> <p>22 included in the account tracking document which is an internal</p> <p>23 document of the Secretary of State?</p> <p>24 MR. BRISSENDEN: Objection, speculation.</p> <p>25 If you know, you may answer.</p>	<p style="text-align: center;">20</p> <p>1 of Deposition.</p> <p>2 Q. Okay. And can you say -- where did it ultimately come</p> <p>3 from? Where did you get it before that?</p> <p>4 A. Burson-Marsteller.</p> <p>5 MR. VANDEWALKER: Okay. If I could move on to</p> <p>6 another exhibit. This one begins at Bates Stamp 298642.</p> <p>7 MS. STELCEN: Okay. I'm going to have the court</p> <p>8 reporter mark this as Parsons Exhibit 4.</p> <p>9 (Exhibit No. 4 marked)</p> <p>10 MS. STELCEN: And the exhibit has been placed in</p> <p>11 front of Mr. Parsons.</p> <p>12 MR. VANDEWALKER: Thank you.</p> <p>13 Q. Mr. Parsons, are you familiar with this document?</p> <p>14 A. Yes.</p> <p>15 Q. And what is it?</p> <p>16 A. An invoice from Burson-Marsteller.</p> <p>17 Q. And what's the date on the invoice?</p> <p>18 A. March 16th.</p> <p>19 Q. And what is the total amount due?</p> <p>20 A. \$895,268.94.</p> <p>21 Q. Thank you. And is this -- is that total amount due</p> <p>22 reflected in the account tracking document?</p> <p>23 A. Yes.</p> <p>24 Q. And what leads you to say -- how do you know that it</p> <p>25 is? I'm sorry.</p>



<p style="text-align: center;">21</p> <p>1 A. The corresponding total is in the February 12th</p> <p>2 column.</p> <p>3 MR. VANDEWALKER: Okay. If we could move on to</p> <p>4 another exhibit. This one starts at Bates Stamp 298666.</p> <p>5 MS. STELCEN: I'm going to have the court</p> <p>6 reporter mark this as Parsons Exhibit 5.</p> <p>7 (Exhibit No. 5 marked)</p> <p>8 MS. STELCEN: And the exhibit has been placed in</p> <p>9 front of Mr. Parsons.</p> <p>10 Q. Mr. Parsons, are you familiar with this document?</p> <p>11 A. Yes.</p> <p>12 Q. And what is it?</p> <p>13 A. An invoice from Burson-Marsteller.</p> <p>14 Q. And what's the date?</p> <p>15 A. April 20th.</p> <p>16 Q. And what is the total amount due?</p> <p>17 A. \$263,948.42.</p> <p>18 Q. And do you know if this is reflected in the accounts</p> <p>19 tracking document?</p> <p>20 A. Yes, it appears to be.</p> <p>21 MR. VANDEWALKER: Okay. I'm going to turn to</p> <p>22 another Exhibit. I'm not sure if I grouped this one right when</p> <p>23 I sent it to Ms. Stelcen, but the Bates range that I want to</p> <p>24 look at is Texas 298649 and 650.</p> <p>25 MS. STELCEN: We have it. It's just part of a</p>	<p style="text-align: center;">23</p> <p>1 documents, Exhibit 2 and Exhibit 6, the first page.</p> <p>2 MR. VANDEWALKER: I apologize. I'm talking about</p> <p>3 Exhibit 2 that we have been referring back to as the account</p> <p>4 tracking document.</p> <p>5 Q. Is the amount reflected on the TKO invoice also</p> <p>6 reflected in the account tracking document for expenditures</p> <p>7 through March 31st?</p> <p>8 A. I believe it is, but I don't know.</p> <p>9 Q. And what leads you to say that you believe it is?</p> <p>10 A. Because I believe, as I recall, this is part of the</p> <p>11 paid media for Phase 1, the paid media buy.</p> <p>12 Q. I see. And what's the amount on the account tracking</p> <p>13 document Exhibit 2 for paid media, Phase 1?</p> <p>14 A. I'm sorry. Could you ask that again, please.</p> <p>15 Q. What amount does the account tracking document,</p> <p>16 Exhibit 2, show as the amount for the paid media Phase 1 that</p> <p>17 you just referred to?</p> <p>18 A. There's four different amounts -- three different</p> <p>19 amounts. One amount is in two different columns.</p> <p>20 Q. Okay. And what are those amounts? I'm asking about</p> <p>21 expenditures.</p> <p>22 A. Expenditures. \$701,237.76.</p> <p>23 Q. Okay. So a different and larger number than the</p> <p>24 amount on the TKO invoice that we were talking about; is that</p> <p>25 right?</p>
<p style="text-align: center;">22</p> <p>1 larger set. So I'm going have it marked as Exhibit 6, Parsons</p> <p>2 Exhibit 6.</p> <p>3 (Exhibit No. 6 marked)</p> <p>4 MS. STELCEN: And if you could just repeat the</p> <p>5 Bates page you would like the witness to review.</p> <p>6 MR. VANDEWALKER: Sure. It is a two-page range,</p> <p>7 298649 and the following page, which ends in 50.</p> <p>8 Q. Have you found the page range?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Thank you. And are you familiar with this</p> <p>11 document?</p> <p>12 A. Yes.</p> <p>13 Q. And what is it?</p> <p>14 A. It's an invoice from TKO Advertising.</p> <p>15 Q. Okay. And what's the date on the invoice?</p> <p>16 A. March 5th.</p> <p>17 Q. Thank you. And what is the total on the invoice? I</p> <p>18 believe it's on the second page of the two-page range.</p> <p>19 A. It's hard to read, but it looks like 6 -- you know</p> <p>20 what? I can't really read that total. It's either 638,237.76</p> <p>21 or it could be 838,000. I can't really read it.</p> <p>22 Q. Okay. And is that amount reflected in the account</p> <p>23 tracking document?</p> <p>24 MR. BRISSSENDEN: Just for clarification, there's</p> <p>25 two exhibits in front of the witness that are account tracking</p>	<p style="text-align: center;">24</p> <p>1 A. What's your question?</p> <p>2 Q. Is that a different amount than the amount on the TKO</p> <p>3 invoice that we were talking about?</p> <p>4 A. Yes.</p> <p>5 Q. And I'm just trying to understand. You believe that</p> <p>6 the TKO invoice is reflected in that amount?</p> <p>7 A. Yes.</p> <p>8 Q. And what is that based on?</p> <p>9 A. That is the purchase of advertising time. TKO was</p> <p>10 responsible for putting our paid advertising in markets around</p> <p>11 the state, in media markets around the state.</p> <p>12 Q. Thank you. And if you could turn to what should be</p> <p>13 the next page in the last exhibit you've got, the Texas -- the</p> <p>14 Bates No. is Texas 298651. And tell me if you're familiar with</p> <p>15 that document.</p> <p>16 A. Yes.</p> <p>17 Q. What is it?</p> <p>18 A. An invoice from TKO Advertising.</p> <p>19 Q. What is the date of the invoice?</p> <p>20 A. February 29th.</p> <p>21 Q. And how much is the total invoice amount?</p> <p>22 A. \$110,000.</p> <p>23 Q. Is that amount reflected in the account tracking</p> <p>24 document showing expenditures through March 31st?</p> <p>25 A. Yes, I believe so.</p>



<p style="text-align: center;">25</p> <p>1 Q. And what leads you to believe so?</p> <p>2 A. Because these were all services that were provided by</p> <p>3 TKO within the time frame included on the Burson account</p> <p>4 tracking.</p> <p>5 Q. Okay. Can you find the amount that the TKO invoice is</p> <p>6 for in the account tracking document?</p> <p>7 A. Not the exact amount of the invoice. Not directly</p> <p>8 from invoice to invoice.</p> <p>9 Q. If I could direct your attention to the next page in</p> <p>10 that same exhibit, Bates No. Texas 298652. Do you recognize</p> <p>11 this document?</p> <p>12 A. Okay. I've found it.</p> <p>13 Q. Do you recognize this document?</p> <p>14 A. Yes.</p> <p>15 Q. What is it?</p> <p>16 A. An invoice.</p> <p>17 Q. What company is the invoice from?</p> <p>18 A. Penn Schoen and Berland Associates.</p> <p>19 Q. What is the date on the invoice?</p> <p>20 A. March 13th.</p> <p>21 Q. Thank you. And what is the total amount invoiced?</p> <p>22 A. \$45,000.</p> <p>23 Q. Is that amount reflected in the account tracking</p> <p>24 document showing expenditures through March 31st?</p> <p>25 A. Yes.</p>	<p style="text-align: center;">27</p> <p>1 A. I don't know what each person in the Secretary of</p> <p>2 State's Office does on a day-to-day basis.</p> <p>3 Q. Okay. So if I understand you correctly, your answer</p> <p>4 is you don't know whether or not the Secretary of State's office</p> <p>5 has confirmed that HAVA funds can be spent on educating voters</p> <p>6 about photo ID requirements; is that correct?</p> <p>7 A. That is not correct.</p> <p>8 Q. So if you do know, is the answer yes or no?</p> <p>9 I'm sorry. I don't know if the phone has cut out. I</p> <p>10 haven't heard an answer.</p> <p>11 A. No. I'm sorry. I haven't -- could you restate the</p> <p>12 question, please.</p> <p>13 Q. Sure. Has the Secretary of State's office confirmed</p> <p>14 that HAVA funds can be spent on voter education related to the</p> <p>15 photo ID requirement under S.B. 14?</p> <p>16 MR. BRISSENDEN: Objection, vague.</p> <p>17 To the extent you know.</p> <p>18 A. I don't know what has been done to research that.</p> <p>19 Q. Do you know who would know?</p> <p>20 A. I'm sorry?</p> <p>21 Q. Do you know who would know the answer to that</p> <p>22 question?</p> <p>23 A. Someone in the Elections division most likely.</p> <p>24 Q. Would Keith Ingram know the answer to that question?</p> <p>25 A. I don't know.</p>
<p style="text-align: center;">26</p> <p>1 Q. How do you know?</p> <p>2 A. Because it says this invoice was for research, and</p> <p>3 there's a category on the Burson account tracking that</p> <p>4 corresponds with this and the amount.</p> <p>5 Q. Thank you. Of the \$3 million that's budgeted for</p> <p>6 voter education in 2012, how much of that will come from federal</p> <p>7 funds?</p> <p>8 A. My understanding is all of it.</p> <p>9 Q. And is that money associated with the Help America</p> <p>10 Vote Act or HAVA?</p> <p>11 A. That's my understanding.</p> <p>12 Q. Has your office confirmed that HAVA funds can be spent</p> <p>13 on voter education related to photo ID requirements under</p> <p>14 S.B. 14?</p> <p>15 A. That's not my role.</p> <p>16 Q. So are you saying you don't know one way or the other?</p> <p>17 Am I correct?</p> <p>18 A. I'm saying that's not my role.</p> <p>19 Q. Well, the question is has your office confirmed that</p> <p>20 HAVA funds can be spent on voter education related to photo ID</p> <p>21 requirements under S.B. 14?</p> <p>22 A. That's not my role.</p> <p>23 Q. I'm not asking what your role is. I'm asking what the</p> <p>24 Secretary of State's office has or has not done, to your</p> <p>25 knowledge.</p>	<p style="text-align: center;">28</p> <p>1 Q. Okay. We've talked some about budgeting for the Make</p> <p>2 Your Mark on Texas plan. I want to focus specifically on</p> <p>3 efforts to educate voters about the photo ID requirements under</p> <p>4 S.B. 14. How much does the Secretary of State plan to spend on</p> <p>5 its efforts to educate voters about the photo ID requirements</p> <p>6 under S.B. 14?</p> <p>7 A. That would be part of the Make Your Mark on Texas</p> <p>8 program which is -- which currently assumes a budget of \$3</p> <p>9 million.</p> <p>10 Q. There is a portion of that \$3 million that has been</p> <p>11 reserved for educating voters about the photo ID requirement</p> <p>12 under S.B. 14?</p> <p>13 A. Educating voters on requirements on photo ID</p> <p>14 requirements within Senate Bill 14 would be part of the voter</p> <p>15 education plan, but let me be clear it would not be limited to</p> <p>16 that \$3 million. There is much that this office would do</p> <p>17 outside the specific scope of that program.</p> <p>18 Q. Like what? What would the office do outside of Make</p> <p>19 Your Mark on Texas?</p> <p>20 A. Media engagement, op eds, online communications,</p> <p>21 things of that nature that do not fall specifically under Make</p> <p>22 Your Mark on Texas but are general day-to-day communications</p> <p>23 from the Secretary of State's office.</p> <p>24 Q. Okay. So if we could take those one by one. What</p> <p>25 does media engagement mean?</p>



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- 1 A. It means creating media opportunities to promote the
 2 message, whether it's Senate Bill 14 or some other initiative.
 3 It means answering media questions as they come into our office.
 4 Q. And how much is budgeted for media engagement?
 5 A. It's our day-to-day -- it's part of my day-to-day
 6 duties.
 7 Excuse me. I have a question. Are you asking within
 8 the Make Your Mark on Texas program or outside of the Make Your
 9 Mark on Texas program? You didn't clarify.
 10 Q. Sure. I am trying to understand -- you mentioned that
 11 several things would be done outside of the Make Your Mark on
 12 Texas plan to inform voters about the photo ID requirement, and
 13 I want to understand what those things are.
 14 A. Okay. Yeah.
 15 Q. So I think we're on the same page. The first thing
 16 you mentioned was media engagement. And the next thing you
 17 mentioned was op eds. What activity specifically does that
 18 involve?
 19 A. Writing opinion pieces to place in newspapers and
 20 publications around the state with information explaining
 21 whatever we need to explain to voters.
 22 Q. And what media outlets will those op eds appear in?
 23 A. Whichever ones we ask to run it and who choose to run
 24 it.
 25 Q. And how much is budgeted for this activity of writing

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- 1 op eds?
 2 A. Part of my day-to-day activities.
 3 Q. Will you personally be writing these op eds?
 4 A. I have written some in the past.
 5 Q. Do you plan to write op eds about the photo ID
 6 requirement under S.B. 14 if it's precleared?
 7 A. It's certainly possible.
 8 Q. Okay. The third thing you mentioned is online
 9 communications. What does that mean?
 10 A. We have a -- we have two web sites that we maintain
 11 that are resources for voters for all Texans, which we can put
 12 information up that's important to voters.
 13 Q. And so I understand, we're talking about activities
 14 outside of the Make Your Mark on Texas plan. So you're saying
 15 that there are things that you put up on the Secretary of
 16 State's web site that are outside of that plan; is that correct?
 17 A. That's correct.
 18 Q. And what kinds of things will be on your web site
 19 having to do with photo ID requirements that are not part of
 20 Make Your Mark on Texas?
 21 A. That would be speculative.
 22 Q. Do you have a plan to use web site content other than
 23 Make Your Mark on Texas to inform voters about photo ID
 24 requirements?
 25 A. Not a specific plan.

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- 1 Q. And have you consulted with anyone in the Elections
 2 division about these efforts to inform voters that are outside
 3 of the Make Your Mark on Texas plan?
 4 A. Not sure I understand your question.
 5 Q. So we're talking about the things that your office
 6 might do that are separate from the Make Your Mark on Texas plan
 7 to educate voters about photo ID requirements. Have you
 8 coordinated with the Elections division on those activities?
 9 A. Not at this time.
 10 Q. Do you plan to?
 11 A. If it were appropriate.
 12 Q. Does the Secretary of State's office have a plan to
 13 continue educating voters about the photo ID requirement under
 14 S.B. 14 if it's precleared after the November 2012 election?
 15 A. Say that again, please.
 16 Q. I think that was a confusing question. I apologize
 17 and I will try to reformulate it.
 18 We've talked about the Secretary of State's efforts --
 19 plan to educate voters about the photo ID requirement under
 20 S.B. 14 if it's precleared in 2012. What I want to know is will
 21 there be any efforts to educate voters about those requirements
 22 after 2012?
 23 A. I'm sorry. You broke up. What was the very last part
 24 of your question? You broke up.
 25 Q. I'm sorry. I want to know about efforts to educate

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- 1 voters about photo ID requirements after November 2012.
 2 A. Our current focus is in preparation for the November
 3 6, 2012 election.
 4 Q. So there is not currently a plan to engage in voter
 5 education after November 2012?
 6 A. As I said, our current focus is on voter education
 7 prior to the November 6, 2012 general election.
 8 Q. Does the Make Your Mark on Texas plan include any
 9 voter education after November 2012?
 10 A. I believe the contract runs through January of 2013,
 11 but I'm not certain of that.
 12 Q. Okay. We've talked about the Secretary of State's
 13 plan to notify voters that they will need photo ID in order to
 14 vote if S.B. 14 is precleared. What else will voters be
 15 informed of related to S.B. 14's photo ID requirements?
 16 A. Say that again, please.
 17 Q. Sure. What else, other than the fact that they will
 18 need photo ID to vote if S.B. 14 is precleared, will voters be
 19 informed of related to S.B. 14's photo ID requirements?
 20 A. We would want to let voters know what forms of ID
 21 would be acceptable. We would certainly want to let voters know
 22 that the Department of Public Safety is -- would be in a
 23 position to issue free election identification cards and how to
 24 obtain one of those election identification cards.
 25 Q. And how will the Secretary of State inform voters



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- 1 about how to get the election identification certificates?
- 2 A. It could be -- we haven't held our planning meetings
- 3 yet for the fall campaign, but those strategies could include
- 4 paid advertising through online broadcasts or print, media
- 5 engagement and online messages on our web sites and social media
- 6 sites.
- 7 Q. And what will the content of those messages be?
- 8 A. Again, we haven't held our planning strategy session
- 9 for the fall campaign yet, but they would generally be what I
- 10 just discussed.
- 11 Q. When do you think those planning sessions will be?
- 12 A. Within the next few weeks.
- 13 Q. Will those -- if S.B. 14 is precleared and -- will the
- 14 efforts to inform voters about where to get photo ID be designed
- 15 to target minority communities?
- 16 MR. BRISSENDEN: Objection, vague.
- 17 A. Can you be more specific.
- 18 Q. Will there be any effort to target voter education
- 19 efforts regarding how to get acceptable forms of ID under
- 20 S.B. 14 to minority communities?
- 21 A. Yes.
- 22 Q. And what will those efforts be?
- 23 A. They would include -- they would possibly include one
- 24 or all of the strategies that we plan to employ, including
- 25 online broadcasts, possibly print paid advertising, proactive

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- 1 media engagement and online social media, mobile and online
- 2 social media.
- 3 Q. And how would each of those media be targeted to
- 4 minority communities?
- 5 A. Can you be a little more specific.
- 6 Q. Well, let's take an example. I'm sorry. I don't
- 7 think I remember the entire list. Did you mention television
- 8 advertising?
- 9 A. Yes, sir.
- 10 Q. So how would you ensure, if you created a television
- 11 ad, that it reached minority communities?
- 12 A. All our ads are in Spanish and English. And the
- 13 vendor who places the advertising uses data that is commonly and
- 14 widely used to target specific audiences, to reach specific
- 15 audiences.
- 16 Q. Have you seen that data?
- 17 A. I have seen some of it, but it's been months since
- 18 I've seen it, but I have seen some of it.
- 19 Q. And could you just say, how does that targeting
- 20 happen? I mean, what does that mean in practice for -- again,
- 21 take the example of a television ad?
- 22 A. I'm sorry. What's your question?
- 23 Q. Well, you said the vendor uses data. What I want to
- 24 know is how does data translate into a practical effort to
- 25 target a minority community?

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- 1 A. As I understand it, there are some TV shows, some TV
- 2 stations, some cable channels that have high viewership among
- 3 certain populations, and you can target ads to play on those
- 4 programs, those channels or those stations to run during periods
- 5 of high viewership among whatever targeted population you wish.
- 6 Q. So it's your understanding that Burson-Marsteller is
- 7 able -- has information about what shows, what channels
- 8 minorities are more likely to watch; is that correct?
- 9 A. That's correct.
- 10 Q. Have you seen that information?
- 11 A. I've seen some of it.
- 12 Q. And which shows are minorities more likely to watch?
- 13 A. I don't have that in front of me.
- 14 Q. Is that part of the documents that you reviewed and
- 15 provided to your attorneys to produce to us?
- 16 A. I don't have those documents.
- 17 Q. Did you ever have those documents?
- 18 A. I've seen documents that have that, but I've never had
- 19 them in my possession, that I recall.
- 20 Q. How did you see them?
- 21 A. In a meeting.
- 22 Q. In a meeting with whom?
- 23 A. With Burson staff. Maybe with TKO Advertising staff.
- 24 I don't remember who exactly was there.
- 25 Q. But you didn't get a copy of any information about how

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- 1 advertising would be targeted to minority communities?
- 2 A. I don't have a copy.
- 3 Q. Is that correct?
- 4 A. That's correct. I don't have a copy. It may have
- 5 been a Power Point. I don't recall.
- 6 Q. The information that you saw, was it specific to the
- 7 question of how someone who doesn't have an acceptable form of
- 8 ID under S.B. 14 would go about acquiring that?
- 9 MR. BRISSENDEN: Objection, vague.
- 10 A. Can you repeat that, please.
- 11 Q. The information that you saw about targeting minority
- 12 communities, was it specifically directed at an effort to inform
- 13 voters who don't have an acceptable form of ID under S.B. 14 how
- 14 to get one?
- 15 MR. BRISSENDEN: Same objection.
- 16 A. Can you be more specific.
- 17 Q. Was the information that you saw about targeting
- 18 minority communities specific to any content that would be in
- 19 the advertisement?
- 20 A. As I recall, it was specific to -- it wasn't specific
- 21 to content. It was more on how to best reach specific
- 22 populations.
- 23 Q. Do you recall when this meeting where you saw this
- 24 data was?
- 25 A. As I recall, it was in one of our conference rooms.



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<p style="text-align: center;">37</p> <p>1 Q. And do you know what date?</p> <p>2 A. No.</p> <p>3 Q. Do you remember what month?</p> <p>4 A. It was -- I'd be speculating. I can't remember.</p> <p>5 Q. Was it after Burson-Marsteller was hired?</p> <p>6 A. Yes.</p> <p>7 Q. Have any specific web sites designed to inform voters</p> <p>8 about photo ID requirements under S.B. 14 been designed yet?</p> <p>9 A. Say that again, please.</p> <p>10 Q. Have any web sites designed to inform voters about</p> <p>11 photo ID requirements under S.B. 14 been designed yet?</p> <p>12 MR. BRISSENDEN: For clarification, are you</p> <p>13 referring to web sites designed by the Secretary of State's</p> <p>14 office or from somebody else?</p> <p>15 MR. VANDEWALKER: I'm referring to any web sites.</p> <p>16 That would include both the Secretary of State's office and</p> <p>17 anybody else.</p> <p>18 A. No web site has been designed specifically for the</p> <p>19 purposes of educating on SB-14. We have in place a voter</p> <p>20 resources web site called VoteTexas.gov and that would be used</p> <p>21 as a resource to educate voters if Senate Bill 14 is precleared.</p> <p>22 Q. And so how will it be used if S.B. 14 is precleared?</p> <p>23 A. We will put the information on there necessary for</p> <p>24 voters relevant to any requirements within Senate Bill 14.</p> <p>25 Q. Has that content been drafted yet?</p>	<p style="text-align: center;">39</p> <p>1 about photo ID requirements under S.B. 14 would be effective at</p> <p>2 informing voters about those requirements?</p> <p>3 A. Not at this time.</p> <p>4 Q. Do you contemplate conducting such testing in the</p> <p>5 future?</p> <p>6 A. Not at this time.</p> <p>7 Q. Will the content informing voters about photo ID</p> <p>8 requirements under S.B. 14 also be available in Spanish?</p> <p>9 A. Of course.</p> <p>10 Q. Do you have any plans to test whether the Spanish</p> <p>11 language will be effective to inform Spanish speaking voters</p> <p>12 about photo ID requirements under S.B. 14?</p> <p>13 MR. BRISSENDEN: Objection, vague.</p> <p>14 A. Can you re-ask that.</p> <p>15 Q. Do you have any plans to test whether the Spanish</p> <p>16 language to inform voters about photo ID requirements under</p> <p>17 S.B. 14 will be effective in communicating with Spanish speaking</p> <p>18 voters?</p> <p>19 MR. BRISSENDEN: Same objection.</p> <p>20 A. Can you be more specific.</p> <p>21 Q. Do you have any plans to test how effective your web</p> <p>22 content will be at reaching voters who speak only Spanish?</p> <p>23 A. Not at this time. But all of our Spanish language</p> <p>24 content goes through approval by Spanish speakers. It's not</p> <p>25 auto generated by some software program. It's approved by</p>
<p style="text-align: center;">38</p> <p>1 A. No.</p> <p>2 Q. Do you know when it will be?</p> <p>3 A. No. We're not permitted to implement Senate Bill 14.</p> <p>4 Drafting content would be implementing Senate Bill 14.</p> <p>5 Q. Do you know how long it will take to draft that</p> <p>6 content?</p> <p>7 A. Virtually no time.</p> <p>8 Q. Will you consult with the Elections division on that</p> <p>9 content before it is posted?</p> <p>10 A. I would expect so.</p> <p>11 Q. Will you consult with lawyers for the Secretary of</p> <p>12 State's office before that content is posted?</p> <p>13 A. I would expect so.</p> <p>14 Q. And do you know how long that will take?</p> <p>15 A. Virtually no time.</p> <p>16 Q. Do you have any plans to insure that that content is</p> <p>17 understandable to the average voter?</p> <p>18 A. Say it again, please.</p> <p>19 Q. Do you have any plans to insure that that content --</p> <p>20 the content that will inform voters about the photo ID</p> <p>21 requirement under S.B. 14 is understandable to the average</p> <p>22 voter?</p> <p>23 MR. BRISSENDEN: Objection, vague.</p> <p>24 A. Can you be more specific, please.</p> <p>25 Q. Do you have any plans to test whether the language</p>	<p style="text-align: center;">40</p> <p>1 Spanish speakers to insure that it's understandable.</p> <p>2 Q. Are the Spanish speakers that you just mentioned</p> <p>3 people who work in the Elections division?</p> <p>4 A. Yes, I believe so.</p> <p>5 Q. So would you say that they're people who have a</p> <p>6 greater understanding than the average person about voting</p> <p>7 issues?</p> <p>8 MR. BRISSENDEN: Objection, vague, calls for</p> <p>9 speculation.</p> <p>10 A. Can you ask that again, please.</p> <p>11 Q. I'm just trying to understand. The people you have</p> <p>12 reviewing Spanish language content are not lay people? They're</p> <p>13 employees who work on elections every day?</p> <p>14 A. Yes, I believe that's correct.</p> <p>15 Q. Do you know what percentage of Latinos have internet</p> <p>16 access?</p> <p>17 A. I believe in some of the research the Burson -- well,</p> <p>18 that would be speculation. I don't know.</p> <p>19 Q. Do you know if it's greater or less than the</p> <p>20 percentage of Anglos who have internet access?</p> <p>21 A. I don't.</p> <p>22 Q. Do you know what percentage of African Americans have</p> <p>23 internet access?</p> <p>24 A. I don't.</p> <p>25 Q. Do you know if the percentage of African Americans who</p>



<p style="text-align: center;">41</p> <p>1 have internet access is greater or less than the percentage of</p> <p>2 whites who have internet access?</p> <p>3 A. I don't.</p> <p>4 Q. Do you know what percentage of low-income Texans have</p> <p>5 internet access?</p> <p>6 A. I don't.</p> <p>7 Q. What's the basis for thinking that the internet will</p> <p>8 be an effective way to reach African American communities about</p> <p>9 the photo ID requirements of S.B. 14?</p> <p>10 MR. BRISSENDEN: Objection, vague.</p> <p>11 A. Can you ask that again, please.</p> <p>12 Q. What is the Secretary of State's office's basis for</p> <p>13 thinking that internet web sites will be an effective way to</p> <p>14 reach African American communities to inform them about photo ID</p> <p>15 requirements?</p> <p>16 A. Because of information provided by Burson-Marsteller,</p> <p>17 both statistically and anecdotally, growth among all</p> <p>18 populations, including Hispanics and African Americans regarding</p> <p>19 internet use is growing rapidly, very rapidly.</p> <p>20 Q. It's growing rapidly compared to what?</p> <p>21 A. Compared to what it was in the past.</p> <p>22 Q. Do you know if the internet use relative to white,</p> <p>23 Anglo people -- I'm sorry. Strike that.</p> <p>24 Do you know if it's -- despite growing rapidly, if</p> <p>25 it's more or less than white internet usage?</p>	<p style="text-align: center;">43</p> <p>1 A. Targeting the general election.</p> <p>2 Q. I see. And has the primary happened yet?</p> <p>3 A. Yes.</p> <p>4 Q. So we're in the second phase; is that correct?</p> <p>5 A. That's correct.</p> <p>6 Q. Okay. But the strategy has not been decided yet</p> <p>7 regarding whether or not mailers will be used; is that correct?</p> <p>8 A. That's correct.</p> <p>9 Q. Do you know when the strategy will be finalized?</p> <p>10 MR. BRISSENDEN: Objection, vague.</p> <p>11 A. Can you be more specific, please.</p> <p>12 Q. Well, the strategy isn't final yet, right?</p> <p>13 A. Correct.</p> <p>14 Q. Do you know when it will become final?</p> <p>15 MR. BRISSENDEN: Same objection. Are you</p> <p>16 referring to the direct mailings or overall?</p> <p>17 Q. I'm sorry. I'm referring to overall, the entire</p> <p>18 strategy.</p> <p>19 A. I don't have a specific date. We'll be meeting in the</p> <p>20 next few weeks. We'll have a -- any strategy is subject to</p> <p>21 change or amendment at any time based on any number of factors.</p> <p>22 But we would -- right now our working plan is to begin ramping</p> <p>23 up our voter education effort for November 6th in August, early</p> <p>24 August.</p> <p>25 Q. And in order to implement strategy by early August,</p>
<p style="text-align: center;">42</p> <p>1 MR. BRISSENDEN: Objection, vague.</p> <p>2 A. Can you restate your question, please.</p> <p>3 Q. So you said that internet usage among both African</p> <p>4 Americans and Latinos is growing rapidly. Do you know if it is</p> <p>5 greater or less than white internet usage?</p> <p>6 A. Anecdotally, my understanding is it's less, but I</p> <p>7 don't know that for a fact.</p> <p>8 Q. Did the data that you said Burson-Marsteller provided</p> <p>9 you offer any information about disparities among different</p> <p>10 racial and ethnic groups with respect to internet access?</p> <p>11 A. I don't recall. Anecdotally, I recall that their</p> <p>12 information showed that Hispanics were the fastest -- among the</p> <p>13 fastest, if not the fastest growing population for internet use.</p> <p>14 Q. Does the education plan -- does the plan to educate</p> <p>15 voters about the photo ID requirements under S.B. 14 depend on</p> <p>16 mailers or direct mailings?</p> <p>17 A. There were no direct mailings in the first phase, and</p> <p>18 we have not finalized our strategy for the second phase. So I</p> <p>19 can't say that it will or will not be used.</p> <p>20 Q. Could you just tell me what the date range for the</p> <p>21 second phase is.</p> <p>22 A. Be more specific, please.</p> <p>23 Q. Okay. I don't know what the second phase means.</p> <p>24 A. Sorry. Second phase means after the primary.</p> <p>25 Q. I see. Thank you.</p>	<p style="text-align: center;">44</p> <p>1 when will you need to make decisions about what those strategies</p> <p>2 will be?</p> <p>3 A. Next few weeks, month or so.</p> <p>4 Q. Do you know how long it would take to design mailers</p> <p>5 before they would be ready to send out?</p> <p>6 A. We could have a mailer designed in ten minutes.</p> <p>7 Q. Does that include a mailer that would be designed to</p> <p>8 inform voters about the photo ID requirement under S.B. 14?</p> <p>9 A. Certainly.</p> <p>10 Q. Would you need to consult with the Elections division</p> <p>11 about such mail?</p> <p>12 A. I think that would be wise to consult with them.</p> <p>13 Q. Would you need to consult with other lawyers in the</p> <p>14 Secretary of State's office about a mailer?</p> <p>15 A. I think it would be prudent to.</p> <p>16 Q. And could all of that consultation happen in ten</p> <p>17 minutes?</p> <p>18 A. Yes.</p> <p>19 Q. And what about translation into Spanish? Could that</p> <p>20 happen in ten minutes?</p> <p>21 A. Yes.</p> <p>22 Q. And how would you direct such mailers? Where would</p> <p>23 you get your list of addresses from?</p> <p>24 A. I'm not sure I follow you.</p> <p>25 Q. Well, if you were going to send out a mailing, you</p>



<p style="text-align: center;">45</p> <p>1 would need addresses to send it to; is that correct?</p> <p>2 A. Yes.</p> <p>3 Q. And where would you get a list of addresses?</p> <p>4 A. Who do you contemplate sending these mailers to?</p> <p>5 Q. That what I'm asking you.</p> <p>6 A. You asked about sending mailers. I don't know who</p> <p>7 you're going to send out mailers to. I mean, we can do it.</p> <p>8 You're asking if we can. Yes, we can. We can do it quickly.</p> <p>9 But I don't know who you want us to send them to.</p> <p>10 Q. I'm trying to understand what the Secretary of State's</p> <p>11 plan is to inform voters about photo ID requirements under</p> <p>12 S.B. 14 and whether that might include mailers. If it did, who</p> <p>13 would you send mailers to?</p> <p>14 A. That would be -- under the scenario under which you're</p> <p>15 describing, I guess that would be registered voters.</p> <p>16 Q. Does the Secretary of State receive any discounts or</p> <p>17 exemptions on postage that would allow it to avoid paying the</p> <p>18 full postage costs for mailings?</p> <p>19 A. I don't know.</p> <p>20 Q. Do you know who would know?</p> <p>21 A. I don't.</p> <p>22 Q. Okay. Does the plan to educate voters about photo ID</p> <p>23 requirements under S.B. 14 make use of newspaper ads?</p> <p>24 A. That's a possible strategy.</p> <p>25 Q. But am I correct in understanding it's not one that</p>	<p style="text-align: center;">47</p> <p>1 Q. And what is it?</p> <p>2 A. It's survey research on voter attitudes and some</p> <p>3 message ad concepts.</p> <p>4 Q. And is this document what you base your beliefs that</p> <p>5 Burson-Marsteller will target minority communities on?</p> <p>6 MR. BRISSENDEN: Objection, vague.</p> <p>7 A. Can you be more specific, please.</p> <p>8 Q. So you said earlier that you think that</p> <p>9 Burson-Marsteller had data about how to target minority</p> <p>10 communities in a public education plan. I'm wondering if this</p> <p>11 document is your evidence that that's true?</p> <p>12 MR. BRISSENDEN: Same objection.</p> <p>13 A. Could you again restate your question, please.</p> <p>14 MR. VANDEWALKER: I'll ask the court reporter to</p> <p>15 read it back, please.</p> <p>16 (Requested portion was read by the reporter)</p> <p>17 MR. BRISSENDEN: Same objection. Also, to the</p> <p>18 extent it mischaracterizes the witness' prior testimony, I also</p> <p>19 object.</p> <p>20 A. Can you restate again, please.</p> <p>21 Q. I'll try a different question. Do you believe</p> <p>22 Burson-Marsteller has the ability to target minority communities</p> <p>23 in a public education plan?</p> <p>24 A. Yes.</p> <p>25 Q. Why do you think that's true?</p>
<p style="text-align: center;">46</p> <p>1 you're currently planning to do?</p> <p>2 A. It's not in the current plan, no.</p> <p>3 MR. VANDEWALKER: I apologize. I should have</p> <p>4 said earlier breaks should be, it's my firm belief, at the</p> <p>5 control of the witness. And I didn't say that, and I haven't</p> <p>6 offered you a break so far. So I'm going to take this</p> <p>7 opportunity to take a five- to ten-minute break.</p> <p>8 THE WITNESS: I'd appreciate that.</p> <p>9 (Recess from 3:37 p.m. to 3:48 p.m.)</p> <p>10 Q. I would like to take a look at the color exhibit,</p> <p>11 please.</p> <p>12 (Exhibit No. 7 marked)</p> <p>13 MS. STENCEL: And the court reporter has marked</p> <p>14 this as Parsons Exhibit No. 7. And Mr. Parsons has the exhibit.</p> <p>15 MR. VANDEWALKER: Thank you.</p> <p>16 MR. BRISSENDEN: And Ian, just for the record, so</p> <p>17 the record is clear, Exhibit 7 in color is the document I</p> <p>18 believe that you had asked Ms. Salazar about that was not in</p> <p>19 color. And we have, between the two depositions, gotten a copy</p> <p>20 in color for you.</p> <p>21 MR. VANDEWALKER: Yes, that's right. And I very</p> <p>22 much appreciate the quick turnaround on that from the State of</p> <p>23 Texas. Thank you.</p> <p>24 Q. Mr. Parsons, have you seen this document before?</p> <p>25 A. Yes.</p>	<p style="text-align: center;">48</p> <p>1 A. Because of their experience on past campaigns and</p> <p>2 their demonstrated knowledge of public relations in advertising</p> <p>3 engagement and data that they have communicated to me.</p> <p>4 Q. Okay. What other past campaigns are you referring to?</p> <p>5 A. As I said, they've done -- in previous years they</p> <p>6 conducted a similar voter education campaign for the Secretary</p> <p>7 of State's office, before I was part of the Secretary of State's</p> <p>8 office. And they've done other voter -- similar voter education</p> <p>9 or voter outreach campaigns in other states, but I do not recall</p> <p>10 which states those are.</p> <p>11 Q. And what about those campaigns involve targeting</p> <p>12 minority communities?</p> <p>13 A. It's my understanding that that was part of the --</p> <p>14 that that was part of those campaigns.</p> <p>15 Q. Have you seen documents relating to those campaigns?</p> <p>16 A. I have seen some -- I don't know if they're briefs or</p> <p>17 synopsis of past campaigns, but I've seen some of that. Not as</p> <p>18 it specifically relates to minority outreach. Just campaigns in</p> <p>19 general.</p> <p>20 Q. You also mentioned data that Burson-Marsteller has</p> <p>21 related to targeting minority communities. What data is that?</p> <p>22 MR. BRISSENDEN: Objection, asked and</p> <p>23 answered.</p> <p>24 A. Can you restate that, please.</p> <p>25 MR. VANDEWALKER: I'll ask the court reporter to</p>



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1 read it back.
 2 (Requested portion read by reporter)
 3 MR. BRISSENDEN: Same objection.
 4 A. Can you be more specific.
 5 Q. Well, I'm trying to -- you used the word "data" in
 6 responses to one of my questions, and I just want to know what
 7 you meant by the word "data" when you said Burson-Marsteller has
 8 data that helps them reach minority communities?
 9 A. I thought we already discussed that when we discussed
 10 paid advertising, where they have statistics and data that help
 11 them target specific television shows, radio stations, radio
 12 shows, online web sites that have predominantly or high usage by
 13 minority communities.
 14 Q. And is the exhibit that was last presented to you an
 15 example of that data?
 16 A. No.
 17 Q. So did you provide any of the data that you're
 18 referring to to the attorneys for the State of Texas to produce
 19 to defendant intervenors?
 20 A. No. We already discussed that. I don't have it.
 21 Q. But you remember seeing it at some point in the past?
 22 MR. BRISSENDEN: Objection, asked and answered.
 23 A. Can you restate that.
 24 MR. VANDEWALKER: Withdrawn.
 25 Q. If I could ask you to turn to what is marked as Page

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1 14 of this exhibit. It's a page that reads Voters are
 2 unfamiliar with VOTEXAS.org at the top.
 3 A. Okay.
 4 Q. And the bottom box says, "Have you visited VOTEXAS.org
 5 and the Secretary of State's web site for information about the
 6 voting process." And the far left pie chart, could you tell me
 7 what percentage of people have visited one of those web sites?
 8 A. 18 percent.
 9 Q. Do you know how many page views the web site for the
 10 Secretary of State's office gets in any given day?
 11 A. Not off the top of my head. I can get that
 12 information, but I don't have it off the top of my head.
 13 Q. Do you think if only 18 percent of people surveyed
 14 used those web sites that that's a good way of informing people
 15 about what they need to do to vote?
 16 MR. BRISSENDEN: Objection, vague.
 17 A. Can you restate your question, please.
 18 Q. Do you think if only 18 percent of people visited the
 19 Secretary of State's web site that that is going to be a way
 20 that will be effective in informing voters about the
 21 requirements to vote?
 22 MR. BRISSENDEN: Objection, vague and assumes
 23 facts not in evidence.
 24 A. Can you restate or be more specific.
 25 Q. If you wanted to inform voters of something, would you

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1 depend on a medium that only 18 percent of voters actually
 2 access?
 3 MR. BRISSENDEN: Same objection. Assumes facts not in
 4 evidence.
 5 A. Can you ask that any differently?
 6 Q. How effective will a medium that only reaches 18
 7 percent of voters be?
 8 MR. BRISSENDEN: Same objection.
 9 If you know, you can answer.
 10 MR. VANDEWALKER: You can answer if you
 11 understand the question.
 12 A. I think using the internet and online resources is
 13 absolutely a strong tool to inform voters.
 14 Q. Even a web site that only 18 percent of voters go to?
 15 MR. BRISSENDEN: Same objection.
 16 A. The VOTEXAS.org web site does not exist anymore.
 17 We've refreshed and updated.
 18 Q. Did you earlier testify that the Secretary of State
 19 will use VOTEXAS.org as part of this year's voter education
 20 plan?
 21 A. I did not.
 22 Q. Okay. Is VOTEXAS.org different from VoteTexas.gov?
 23 A. VOTEXAS.org was the previous iteration of the web
 24 site. We've changed the URL address to VoteTexas.gov because I
 25 believe it is more intuitive and easier for people to find as a

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1 resource.
 2 Q. In your experience in communications, does changing
 3 the URL or address of a web site usually increase the number of
 4 hits?
 5 MR. BRISSENDEN: Objection, vague. Calls for
 6 speculation.
 7 A. Can you be a little more specific.
 8 Q. Why do you think VoteTexas.gov is a better web address
 9 than VOTEXAS.org?
 10 A. Because last fall, in preparation for the November
 11 2011 constitutional amendment election in Texas, I would
 12 frequently receive media inquiries about various election issues
 13 related to the constitutional amendment election. When I would
 14 direct reporters, whom I believed to be informed about the
 15 process, to go to VOTEXAS.org so I could point them to their
 16 answers, intuitively they would type in VoteTexas.org which is a
 17 URL that is not owned or maintained by the Secretary of State's
 18 office, which made very clear to me that VOTEXAS.org was not
 19 intuitive or user friendly. And so we immediately began the
 20 process to change the URL to make it, one, more intuitive and,
 21 two, change the .org to .gov because, as I suspected and survey
 22 information later confirmed, that government is the most trusted
 23 resource for voter information.
 24 So, yes, I believe changing the URL will enhance
 25 the usability and accessibility of the web site.



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1 Q. If you could turn to Page 19 of this exhibit, the
2 slide entitled Web Sites and media are most used source of voter
3 information.
4 A. Okay. I'm there. Sorry. I'm there.
5 Q. Thank you. If I could just direct you to the second
6 group of columns there that says Media. What does media mean,
7 as it's used here?
8 MR. BRISSENDEN: Objection, calls for
9 speculation.
10 A. I can tell you what it means to me.
11 Q. Okay. What does it mean to you?
12 A. Traditional sources such as newspapers, periodicals,
13 television, radio, and I guess their online equivalents as well.
14 Q. Okay. And in looking to the fourth column labeled
15 Advertising, what does advertising mean, as used here?
16 A. As I understand it, it would be ads placed in
17 different forms of media: Online, broadcast, print.
18 Q. Okay. Thank you. And if we could look at the first
19 group of columns here that's labeled Web Sites. The far left
20 column -- I don't know what color to call this. I'll call it
21 orange -- says that all Texas voters, as I understand it. And
22 what percentage of Texas voters have answered the question, when
23 seeking out information or news about voting in your community
24 that they find the information on web sites?
25 A. 67 percent.

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1 Q. And so then is it your understanding that over 30
2 percent of Texas voters don't use web sites to seek out
3 information they need about voting?
4 MR. BRISSENDEN: Objection, vague. Calls for
5 speculation.
6 A. It's my understanding that 67 percent do.
7 Q. And in that group of columns, the far right column,
8 which seems to be black, is Hispanic voters. What percentage of
9 Hispanic voters use web sites?
10 A. 53 percent.
11 Q. And do you see on this chart any representation of
12 what percentages of African Americans use different sources for
13 information they need about voting?
14 A. No.
15 Q. And just look towards the middle of the column --
16 group of columns marked Social Networking Sites, what percentage
17 of Hispanics, according to this, use social networking sites?
18 A. 13 percent.
19 Q. And what percentage of 18- to 24-year-olds use social
20 networking sites?
21 A. 24 percent.
22 Q. And do you know what the racial composition of the 18-
23 to 24-year-old group in this survey is?
24 A. I do not.
25 Q. Do you know if it has -- do you have any reason to

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1 believe that the 24 percent doesn't include all racial
2 identities combined in that age range?
3 A. Can you say that again, please.
4 Q. Do you have any reason to believe that, as reflected
5 in this chart, the 18- to 24-year-old group doesn't include all
6 races?
7 MR. BRISSENDEN: Objection, calls for
8 speculation.
9 To the extent you know, you may answer.
10 A. Can you restate that. I'm not clear on what you're
11 asking.
12 MR. VANDEWALKER: Withdrawn.
13 Q. Do you see any information on the group of columns
14 related to social networking sites about what percentage of
15 African Americans use that as a source of information they need?
16 A. No.
17 Q. Any information about African Americans anywhere on
18 this page?
19 A. No.
20 Q. Turning to now Page 21. It's a slide titled Voters
21 find the process fair and accessible.
22 A. Yes, I'm there.
23 Q. Thank you. Okay. So the question here that was asked
24 of respondents was, "Do you believe that the voting process is
25 fair and accessible to all Texans?" And if I could direct your

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1 attention under the big circle, the first column, "Texas
2 Voters," what is the most commonly given reason that Texans --
3 that some people said they do not believe the voting process is
4 fair and accessible to all Texans?
5 MR. BRISSENDEN: Objection, vague.
6 A. Can you say that again, please.
7 Q. So the bottom of this page describes the people who
8 said no, they don't believe the voting process is fair and
9 accessible to all Texans and the reason they gave. The column
10 all the way to the left gives a list of reasons. Could you tell
11 me which of those reasons is the most commonly given, has the
12 highest percentage of respondents?
13 MR. BRISSENDEN: Objection, vague, to the extent
14 it mischaracterizes the information.
15 Q. Do you understand the question?
16 A. Not really.
17 Q. Okay. The lower half of the box on this page says, in
18 a smaller box, "If no, why do you believe that the voting
19 process is not fair and accessible to all Texans?" Do you see
20 that?
21 A. Yes.
22 Q. And then underneath it is a series of columns broken
23 down. The far left column is labeled "Texas Voters". Do you
24 see that?
25 A. Yes.



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<p style="text-align: center;">57</p> <p>1 Q. Underneath "Texas Voters" it shows the top three</p> <p>2 reasons that people gave that they believe that the voting</p> <p>3 process is not fair and accessible to all Texans. Do you see</p> <p>4 that?</p> <p>5 A. Yes.</p> <p>6 Q. What is the most -- which one of those has the highest</p> <p>7 percentage next to that?</p> <p>8 A. "Documentation".</p> <p>9 Q. Thanks. If we could turn back --</p> <p>10 A. May I add something to my answer?</p> <p>11 Q. Yes.</p> <p>12 A. I don't know if that means -- if "Documentation" means</p> <p>13 that -- that could mean -- I don't know what that means in terms</p> <p>14 of what documentation people are or are not required to show.</p> <p>15 It simply says "Documentation". It doesn't say whether it's</p> <p>16 pertaining to what they are or are not required to show.</p> <p>17 Q. Thank you. If I could direct you now to Page 15 in</p> <p>18 the same document?</p> <p>19 A. What page?</p> <p>20 Q. Page 15, please.</p> <p>21 So Page 15 is labeled at the top Voter Registration</p> <p>22 and Driver's License Most Popular Forms of ID. And the question</p> <p>23 asked was, when you vote, what do you bring with you to your</p> <p>24 polling place -- or voting location -- excuse me.</p> <p>25 The second row says, driver's license issued by the</p>	<p style="text-align: center;">59</p> <p>1 Paragraph 7.</p> <p>2 A. Okay.</p> <p>3 Q. And I would appreciate it if you would just take</p> <p>4 however long you need to read Paragraph 7.</p> <p>5 A. Okay.</p> <p>6 Q. Okay. Paragraph 7 makes a contrast between a basic</p> <p>7 education program and a complete program. What's the difference</p> <p>8 between those two?</p> <p>9 A. I don't know necessarily what they are to Keith or</p> <p>10 what the difference is as stated here.</p> <p>11 MR. VANDEWALKER: Okay. If I could just skip to</p> <p>12 another exhibit quickly. This is portions of Keith's Ingram's</p> <p>13 deposition, which actually says at the top Brian Ingram.</p> <p>14 MS. STELCEN: Can you hold on one moment while I</p> <p>15 grab that?</p> <p>16 MR. VANDEWALKER: Of course.</p> <p>17 MS. STELCEN: I'll have the court reporter mark</p> <p>18 this as Parsons Exhibit 9.</p> <p>19 (Exhibit No. 9 marked)</p> <p>20 MS. STELCEN: And the exhibit's been placed in</p> <p>21 front of the witness.</p> <p>22 MR. VANDEWALKER: Thank you.</p> <p>23 Q. Mr. Parsons, have you ever seen this document before?</p> <p>24 A. No.</p> <p>25 Q. So as I mentioned before, this is the transcript of</p>
<p style="text-align: center;">58</p> <p>1 Texas Department of Public Safety.</p> <p>2 What percentage of Texas voters brought their driver's</p> <p>3 license, according to this?</p> <p>4 A. 64 percent. Yeah, 64 percent.</p> <p>5 MR. VANDEWALKER: Thank you. Okay. I'd like to</p> <p>6 introduce another exhibit, if I could. It's the affidavit of</p> <p>7 Keith Ingram.</p> <p>8 MS. STENCEL: Mark this as Exhibit 8.</p> <p>9 (Exhibit No. 8 marked)</p> <p>10 MS. STENCEL: The court reporter has marked this</p> <p>11 as Parsons Exhibit 8, and I am providing it to the witness now.</p> <p>12 Q. Mr. Parsons, when you get a chance to look at it, have</p> <p>13 you seen this exhibit before?</p> <p>14 A. Reynolds had it in his hand, but I didn't look at it.</p> <p>15 So, yes, I've seen it, but I haven't read this.</p> <p>16 Q. Okay. Sure. That's perfectly all right.</p> <p>17 I believe you mentioned Keith Ingram before, but if</p> <p>18 you could just tell me, who is Keith Ingram.</p> <p>19 A. Director of Elections.</p> <p>20 Q. And is that a post within the Secretary of State's</p> <p>21 office?</p> <p>22 A. Yes. Sorry. Yes.</p> <p>23 Q. Thank you. That's quite all right. Just for the</p> <p>24 record.</p> <p>25 If I could direct you to Page 3, specifically</p>	<p style="text-align: center;">60</p> <p>1 the deposition of Brian Keith Ingram. Do you understand Brian</p> <p>2 Keith Ingram to be the same Keith Ingram we were talking about a</p> <p>3 moment ago?</p> <p>4 MR. BRISSENDEN: Just so the record is clear,</p> <p>5 Exhibit 9 are three pages of the transcript of Mr. Ingram's</p> <p>6 deposition as opposed to the entire transcript.</p> <p>7 MR. VANDEWALKER: That's absolutely right. This</p> <p>8 is a very short excerpt.</p> <p>9 A. I didn't know his first name was Brian. So I'm going</p> <p>10 to take your word for it.</p> <p>11 Q. Okay. Yeah. Since I took this deposition, in part, I</p> <p>12 can represent to you with every confidence that this is the same</p> <p>13 Keith Ingram that you were talking about from the Secretary of</p> <p>14 State's office.</p> <p>15 So if I could direct you to the -- it may be the last</p> <p>16 page in the little excerpt you have. The pages in question are</p> <p>17 actually, if you see in the little box pages, 251 to 252.</p> <p>18 A. Okay. I'm there.</p> <p>19 Q. Okay. Just for the sake of time, I'm going to read</p> <p>20 this. I take it back.</p> <p>21 I am going to ask you to read, starting on Page 251.</p> <p>22 The last question is kind of a long paragraph. If you could</p> <p>23 just start reading there and continue into -- right. It starts</p> <p>24 on Line 17 of that page. If you can continue reading into the</p> <p>25 next page.</p>



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1 A. How far into the next page?

2 Q. I would say please read until Line 7 in the next page.

3 A. Okay. "If I could just direct you to Paragraph 7.

4 You say that, 'In order to have a basic education program the

5 Secretary of State's office would need a final decision by

6 August 15th,' and then you contrast that with a complete

7 education program which would need a decision by no later than

8 July 6th. I wonder if you could tell me: What's the difference

9 between a basic program and a complete program?"

10 Answer: "I cannot. That would be a Rich Parsons

11 question."

12 Question: "Could you turn to the next page and tell

13 me: Did you sign this affidavit?"

14 Answer: "I did."

15 Question: "And so when you signed this affidavit did

16 you understand what Paragraph 7 meant?"

17 Answer: "I understand that it's what Rich told me."

18 Q. Thank you. So could you explain to me why Keith

19 Ingram said that you told him to say that there's a difference

20 between a complete education program and a basic program?"

21 MR. BRISSENDEN: To the extent that requires

22 speculation on the part of Keith's mental thought processes,

23 I'll object. You may answer.

24 A. I don't know that I told him to say anything. That's

25 your speculation. To the extent --

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1 Q. Do you recall having -- I'm sorry.

2 A. To the extent there might have been any conversation,

3 I can tell you what, to me, differentiates a complete versus a

4 basic education program.

5 Q. Do you recall talking to Keith Ingram about different

6 kinds of education plans and the timing of the preclearance of

7 S.B. 14?

8 A. I have a recollection of conversations, but I don't

9 have a recollection of exactly what was said.

10 Q. Do you recall Keith Ingram telling -- discussing with

11 you an affidavit that he was going to sign?

12 A. Yes.

13 Q. And do you recall talking about, with respect to that

14 affidavit, what education plan the Secretary of State would be

15 able to put out?

16 A. Vaguely. Like I said, I don't remember the -- I don't

17 remember what was said, the words exchanged.

18 Q. So as you sit here today, do you understand what Keith

19 Ingram meant when he said -- when he made a distinction between

20 a basic education program and a complete program?

21 A. If it's based on a conversation we had, then I know

22 what my differentiation would be, but I don't know -- I guess,

23 reading this, if he says it's based on a conversation we had, I

24 know what I would differentiate it as.

25 Q. Okay. What do you think the difference is?

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1 A. To me -- I speak only for me -- the difference would

2 be education campaign essentially run out of my office, by me,

3 using press releases, earned media, op eds potentially, and

4 community visits as best that we could do it with the limited

5 resources that I have.

6 Q. I'm sorry. Is what you just described -- which one of

7 the options is what you just described?

8 A. The basic.

9 Q. Okay. And what would a complete education plan look

10 like?

11 A. Paid advertising, coordinated community events,

12 coordinated community outreach, more coordinated community

13 visits, targeted advertising, I guess, within the overall

14 advertising, things like that. A more formally planned

15 campaign.

16 Q. Okay. With that understanding in mind and seeing that

17 in Keith Ingram's affidavit he said that a complete program

18 would not be possible unless there were a final decision before

19 no later than July 6th, do you agree that the complete education

20 program that you just described is not possible if there's no

21 final decision on preclearance before July 6th?

22 A. Based -- having done the primary voter education

23 campaign, from the experience there, I can see that we can move

24 very quickly on a coordinated campaign.

25 Q. I'm sorry. I'm not sure I understand. Is your answer

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1 that it is possible to have what you described as a complete

2 program, even if the decision comes after July 6th?

3 A. Yes.

4 Q. So if I understand you correctly, you're saying that

5 what Keith Ingram said in Paragraph 7 is false?

6 A. No, that's not correct.

7 Q. What do you understand Keith Ingram to have said in

8 his affidavit about whether a complete program is possible?

9 MR. BRISSENDEN: Objection, asked and answered,

10 calls for speculation.

11 To the extent you can answer the question, you

12 may.

13 A. "In order to have a basic education program in place

14 to have a successful November 2012 election season, the

15 Secretary of State's office would need to have a final decision

16 by August 15, 2012; however, to have a complete program that

17 would mirror what our Texas voters, counties and local entities

18 have become accustomed to, we would need to have a final

19 decision no later than July 6."

20 That's what I understand him to say.

21 Q. Do you think that statement is true or false?

22 MR. BRISSENDEN: Objection, calls for speculation

23 as to what Mr. Ingram meant when he said it or stated it in his

24 affidavit. The question is conclusory.

25 To the extent you have information or are able to



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1 answer, you may.

2 A. He signed the affidavit. It's sworn and subscribed on
3 March 22nd. And what I'm saying is, based on my experience in
4 April and May with the first phase of our campaign and having
5 seen how quickly we can move on all aspects of that campaign,
6 now I can say confidently that we could move quickly on Phase 2.
7 This affidavit was given before the bulk of the primary phase
8 was run. And now with experience running that, I'm much better
9 informed on how to run Phase 2.

10 Q. The voter education effort in the primary, did that
11 involve educating voters about photo ID requirements under
12 S.B. 14?

13 A. No. Well, we're not permitted to educate voters on
14 the photo identification requirements in Senate Bill 14 because
15 it has not been precleared by the Department of Justice.
16 Therefore, anything we would do to educate on Senate Bill 14
17 would be implementation of a law we're not permitted to
18 implement, and we don't want to violate the law.

19 Q. So your experience with the primary is different from
20 what would be contemplated after preclearance, in that it had
21 nothing to do with photo ID requirements?

22 A. We did educate voters that no photo ID was necessary
23 in the primary election. That was a core message of every
24 community engagement, media engagement stop we did. So we did
25 educate that no photo ID would be required.

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1 Q. So it didn't include -- it didn't need to include any
2 information about how to go and get photo ID because that wasn't
3 a component of the law at that time?

4 A. We weren't -- we did not want to be in violation of
5 the law, so we did not educate voters on the requirements within
6 Senate Bill 14.

7 Q. So the education that would be required after S.B. 14
8 was precleared would necessarily be different from the kind of
9 education you were doing for the primary?

10 A. Not substantially.

11 Q. What do you mean by substantially?

12 A. I anticipate the difference would be now you would be
13 required to provide photo ID when you vote, educate voters on
14 what is permissible and educate voters on how to obtain an
15 election identification card if they did not have ID that was
16 permissible under Senate Bill 14. That's not substantially
17 different.

18 Q. And after the Secretary of State's office has spent
19 over a million dollars to educate voters pursuant to a plan that
20 doesn't include information about -- the information that
21 they're required to bring photo ID, you now think that it will
22 be not substantially different to educate voters with a plan
23 that will have to include the opposite message?

24 A. Can you be more clear on your question, please.

25 Q. So the Secretary of State's office has already spent

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1 over a million dollars, as we talked about earlier, on its voter
2 education plan, a plan that you just said included telling
3 people they don't have to bring photo ID to the polls. Now
4 we're talking about, after preclearance, a plan that will have
5 to tell people the exact opposite of that. How can that not be
6 substantially different?

7 MR. BRISSENDEN: Objection, argumentative.

8 A. It's telling people you do and telling them what it is
9 and how to get it if they don't have it.

10 Q. Which are all different messages than the primary
11 voter education campaign.

12 A. And I've just communicated those messages to you,
13 simply and understandably.

14 Q. Is what you just said going to be the sum and
15 substance of the content of the voter education plan concerning
16 photo ID requirements under S.B. 14?

17 A. No.

18 Q. So do you acknowledge that you did not just
19 communicate everything to me that a voter would need to know
20 under S.B. 14?

21 MR. BRISSENDEN: Objection, vague and
22 argumentative.

23 A. I communicated a summarization.

24 Q. Okay. If we could look back at Paragraph 7 in Keith
25 Ingram's affidavit. The first part of that sentence before the

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1 semicolon says, "In order to have a basic education program in
2 place to have a successful 2012 election season, the Secretary
3 of State's office would need to have a final decision by August
4 15th."

5 If there is not a final decision on preclearance until
6 August 31st, does that mean that not even a basic education
7 program will be possible?

8 MR. BRISSENDEN: Objection to the extent that
9 calls for speculation.

10 To the extent you have knowledge and are able to
11 answer the question, you may do so.

12 A. We will execute a successful education program
13 regardless of when a decision is made.

14 Q. How do you define success?

15 A. We will identify the appropriate message or messages
16 and then we will communicate that through the strategies that
17 we've discussed here today to as many, if not all, registered
18 voters in Texas.

19 Q. And how will you know if you've achieved that goal?

20 MR. BRISSENDEN: Same objection.

21 To the extent you have knowledge and you're able
22 to answer, you may do so.

23 A. In a literal sense, there's no way to know that you've
24 reached every single voter. In a practical and literal sense
25 there's no way to know you've reached every single voter.



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1 Q. Are there any ways to measure success? Has
 2 Burson-Marsteller ever -- are there any ways to measure success?
 3 A. Yes.
 4 Q. What are those ways?
 5 A. Well, one way is to measure the impressions that
 6 you've made through various strategies to reach Texas voters or
 7 Texans, general speaking.
 8 Q. Do you have plans to measure impressions for the plan
 9 to educate voters about photo ID requirements under S.B. 14?
 10 A. Yes.
 11 Q. Do you know how much that will cost?
 12 A. It will use the remainder of the budget. Wait.
 13 Excuse me. Can you be clear. Are you asking how much it will
 14 cost to measure or how much it will cost -- the education
 15 program will cost? I don't know what you're asking.
 16 Q. How much it will cost to measure the impressions of
 17 the education plan?
 18 A. That's within the budget.
 19 Q. I'm sorry. I don't understand. What does that mean,
 20 it's within the budget?
 21 A. That's part of the service provided within the
 22 contract.
 23 Q. How much is budgeted for it in the budget?
 24 A. I don't recall.
 25 Q. Is there a line item budget for the voter education

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1 plan?
 2 MR. BRISSENDEN: Objection, vague.
 3 A. That's the whole budget. That's the whole contract.
 4 Q. Have you given that to your attorney to produce to the
 5 defendant intervenors?
 6 A. I think I gave the -- I think I gave the contract to
 7 y'all. I gave him whatever I had that was responsive. I think
 8 the contract was in there.
 9 Q. And that contract's -- just so I understand --
 10 includes a line item budget that shows how much will be spent on
 11 measuring impressions?
 12 A. I haven't looked at the contract in some time. So I
 13 don't recall exactly how it would be categorized.
 14 Q. But the contract that we're talking about does include
 15 a line item budget; is that correct?
 16 A. I don't recall exactly what's in the contract from
 17 line to line.
 18 Q. Then how do you know that there's an amount budgeted
 19 to measure --
 20 A. Pardon me?
 21 Q. How do you know there's an amount budgeted to measure
 22 impressions?
 23 A. Because it was discussed and they've measured
 24 impressions for the first phase.
 25 Q. Do you know -- how much did measuring impressions cost

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1 for the first phase?
 2 A. I don't know. It was part of the budget overall.
 3 Q. We talked earlier about an account tracking document
 4 from Burson-Marsteller that lists expenditures up through March
 5 31st. Does Burson-Marsteller provide you with those on a
 6 regular basis?
 7 A. Somewhat, yes.
 8 Q. Is it a monthly basis?
 9 A. I don't recall.
 10 Q. Do you know if there is one that's more recent than
 11 March 31st, 2012?
 12 A. I don't know.
 13 Q. The contract that you mentioned that includes line
 14 item budget amounts, is that -- does that show only the amounts
 15 that are budgeted and not the amounts that have been spent?
 16 A. Can you ask that again, please.
 17 Q. Strike that.
 18 Is there a document that shows how much has been spent
 19 out of the total budget for the voter education plan for 2012?
 20 A. I have not seen that document, if there is.
 21 Q. How do you keep track of how much has been spent?
 22 A. They send invoices and tracking reports. I review
 23 them. Our purchasing procurement people review them. If we
 24 have questions, we ask Burson to clarify. And that's the
 25 process.

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1 Q. So the account tracking document that we looked at
 2 earlier shows spending through March 31st, which was over two
 3 months ago, and the primary election has happened since then.
 4 Do you have any document that would show how much was spent up
 5 through the primary election?
 6 A. I don't. If I've seen it, I may have forwarded it to
 7 procurement.
 8 Q. Do you know if such a document exists?
 9 A. Not off the top of my head, no. I don't believe we've
 10 been invoiced yet through May.
 11 Q. Have you been invoiced through April?
 12 A. I believe we have.
 13 Q. Do you have April invoices?
 14 THE WITNESS: Isn't that one of the ones I turned
 15 over?
 16 MR. BRISSENDEN: For the record, I believe
 17 Exhibit 5 has an invoice date of April 20th.
 18 MR. VANDEWALKER: Okay. It's my understanding
 19 that Exhibit 5 shows spending through March 31st.
 20 THE WITNESS: Can you repeat that.
 21 Q. It's my understanding that Exhibit 5 shows spending
 22 through March 31st; is that correct?
 23 MR. BRISSENDEN: You're referring to the invoice?
 24 MR. VANDEWALKER: I'm referring to the account
 25 tracking document.



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1 MS. STELCEN: You're referring to Exhibit 2, Ian.

2 MR. VANDEWALKER: I apologize. Exhibit 2.

3 You're right.

4 THE WITNESS: So where are we?

5 Q. My question is does Exhibit 2 show spending up to
6 March 31st and not after?

7 A. Yes.

8 Q. And is there a similar document that shows spending
9 after March 31st?

10 A. It's likely, but I didn't have it, so I didn't have
11 anything to turn over.

12 Q. How many -- strike that.

13 Turning back to Keith Ingram's affidavit. In
14 Paragraph 7, he says in order to have a basic education program
15 the Secretary of State's office would need a final decision by
16 August 15th. If a final decision isn't reached until August
17 31st, will the education program have less of an impact?

18 A. No.

19 Q. Why not?

20 A. Because a generally held belief in public relations
21 and advertising is that if you promote or advertise too early,
22 by the time it's important, it will be forgotten. If you wait
23 too late, it won't have the impact. That gives -- did you say
24 -- what date did you say?

25 Q. August 15th versus August 31st.

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1 A. That would leave two months. That would leave two
2 full months for the program.

3 Q. Was that belief -- generally held belief in
4 communication also generally held in March, when Keith Ingram
5 submitted this affidavit?

6 MR. BRISSENDEN: Objection, vague.

7 A. I would think so.

8 Q. Do you know why Keith Ingram said that it would be
9 impossible to have a basic education program in place if there
10 weren't a decision by August 15th?

11 MR. BRISSENDEN: Objection, calls for
12 speculation. I believe we've covered this. Asked and answered.

13 A. Can you ask that again.

14 Q. Do you know why Keith Ingram said it would be
15 impossible to have a basic education program in place unless
16 there was a decision by August 15th?

17 MR. BRISSENDEN: Same objection.

18 Mischaracterizes the statement. I don't believe he says it's
19 impossible.

20 A. If he says it was a Rich Parsons' question, then if
21 it's up to me, I would say prior -- not prior to -- that
22 affidavit, again, was signed in mid March or so. And having had
23 the experience of conducting the primary phase, I have a much
24 better understanding of -- and -- much better understanding of
25 what pieces we would have in place and how best to conduct the

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1 program. I have not conducted a voter education program prior
2 to this. So it's much -- that experience is invaluable in
3 preparing for Phase 2.

4 Q. So if, as you said earlier, August 31st would not have
5 -- a decision by August 31st would not cause the plan to have
6 less of an impact than August 15th. Was that also true if the
7 decision were delayed another two weeks, to September 15th?

8 A. I would simply say that regardless of when there is a
9 decision, we will conduct a successful campaign.

10 Q. If there was a decision on November 5th, would you
11 conduct a successful campaign?

12 A. To the best of our abilities, yes.

13 Q. What does success mean in that context?

14 A. That would be speculative.

15 Q. You used the word successful campaign. I want to
16 understand what you meant by successful campaign that would be
17 conducted in less than one day.

18 MR. BRISSENDEN: Objection, vague, argumentative.

19 A. In one day, it may be a successful campaign could be a
20 press release. We would do everything in our ability to
21 communicate that to the voters, everything in our ability.

22 Q. So do you define success by how many voters you reach
23 with your message?

24 MR. BRISSENDEN: Objection, asked and answered.
25 I believe we've covered this.

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1 A. Can you ask that again.

2 Q. Do you define success according to how many voters you
3 reach with your message?

4 A. That is one way to calculate success.

5 Q. How many voters would a press release on November 5th
6 reach?

7 A. I don't know.

8 Q. But it would be successful; is that correct?

9 MR. BRISSENDEN: Objection, vague and
10 argumentative.

11 You don't have to answer.

12 Q. Do you understand the question?

13 MR. BRISSENDEN: I've instructed him not to
14 answer. It's argumentative and I believe at this point you're
15 badgering the witness.

16 MR. VANDERWALKER: I'm just trying to understand
17 what it means that it's possible to have a successful campaign
18 that starts on November 5th for an election that happens
19 November 6th. I want to understand what success means.

20 MR. BRISSENDEN: We've been here all afternoon,
21 and he has been answering your questions. We've already gone
22 over what is a successful campaign. He's provided you with
23 testimony about how they would measure that in terms of
24 impressions. I believe he's answered the question. At this
25 point I think your questioning is argumentative.



<p style="text-align: center;">77</p> <p>1 MR. VANDEWALKER: Defendant intervenors have no 2 further questions.</p> <p style="text-align: center;">EXAMINATION</p> <p>3 BY MS. WESTFALL:</p> <p>4 Q. Mr. Parsons, my name is Elizabeth Westfall. I 5 represent the Attorney General in this action. I'm just going 6 to ask you a few questions and not keep you here too much 7 longer.</p> <p>8 A. Am I going to get home to see my baby go to bed?</p> <p>9 Q. Yes. Unfortunately, I won't.</p> <p>10 I believe you testified you've been the Director of 11 Communications since September 2011; is that correct?</p> <p>12 A. Yes.</p> <p>13 Q. Have you drafted any internal or external 14 communications related to voter ID, including Senate Bill 14, 15 since you've been employed with the Secretary of State's office?</p> <p>16 MR. BRISSENDEN: Are you asking the witness about 17 topics outside of his work on poll worker training or voter 18 education efforts?</p> <p>19 Q. Do you understand the question?</p> <p>20 A. Can you state it again.</p> <p>21 Q. Have you drafted any internal or external 22 communications related to voter ID, including Senate Bill 14, 23 since you've been employed with the Secretary of State's office?</p> <p>24 A. I understand the question.</p>	<p style="text-align: center;">79</p> <p>1 deposition. This has not been a deposition noticed pursuant to 2 30(b)(6).</p> <p>3 Mr. Rosenberg forwarded to me an e-mail 4 communication on June 8 between counsel for the State, counsel 5 for the defendant intervenors discussing the nature of the 6 depositions today. Counsel for the Attorney General was not 7 party to that e-mail correspondence or to any phone call between 8 counsel for the defendant intervenor and counsel for the State 9 that preceded that e-mail. Therefore, we do not -- we take 10 strong objection with your instruction to this witness not to 11 answer questions that are plainly relevant.</p> <p>12 Is there any other basis under which you're 13 asserting and instructing this witness not to answer other than 14 that which you just described?</p> <p>15 MR. BRISSENDEN: Are you asking me -- first of 16 all, I'm not going to be examined here today during this 17 deposition, because I'm not the witness.</p> <p>18 MS. WESTFALL: You're not the witness, but I'd 19 like to understand your objections.</p> <p>20 MR. BRISSENDEN: And we have had this dialogue 21 back and forth this morning and this afternoon as a part of 22 Ms. Salazar's deposition, and I would reallege and incorporate 23 by reference all of the statements that were made in that 24 deposition and assert them here as a part of this deposition.</p> <p>25 MS. WESTFALL: I would likewise incorporate my</p>
<p style="text-align: center;">78</p> <p>1 MR. BRISSENDEN: To the extent that that's in the 2 context of your work in the Secretary of State's office 3 pertaining to voter education efforts, you may answer.</p> <p>4 A. Yes.</p> <p>5 Q. Could you describe those communications?</p> <p>6 A. E-mails. Press releases.</p> <p>7 Q. Did the Secretary of State --</p> <p>8 A. -- things like that.</p> <p>9 Q. I'm sorry. I interrupted you. Anything else?</p> <p>10 A. I'm trying to think of what else there would be. 11 That's what I would have drafted.</p> <p>12 Q. So e-mails and press releases related to Senate Bill 13 14 or voter ID; is that correct?</p> <p>14 MR. BRISSENDEN: Again, to the extent that that 15 is work that was part of your roll in terms of voter education 16 efforts.</p> <p>17 A. Yes.</p> <p>18 MS. WESTFALL: Are you instructing him not to 19 answer outside of voter education?</p> <p>20 MR. BRISSENDEN: That is what we're here to 21 discuss, voter education efforts and poll worker training.</p> <p>22 MS. WESTFALL: For the record I would like to 23 state, for the purposes of this deposition as I did for 24 Ms. Salazar's, that the Attorney General was never a party to 25 any agreement about limiting the topics and scope of this</p>	<p style="text-align: center;">80</p> <p>1 responses to your objections but add again that we now have 2 documentation from Mr. Rosenberg that the Attorney General's 3 counsel was not included in any such discussions about limiting 4 this deposition or topics therein.</p> <p>5 So I'm going to ask some questions for the 6 record, and you can make your objections as you see fit. We 7 take strong disagreement and think it is contrary to the Federal 8 Rules of Civil Procedure 30(c)(2) for you to instruct the 9 witness not to answer questions on the basis on which you 10 asserted. So I'll proceed with questions, unless you have 11 further objection.</p> <p>12 MR. BRISSENDEN: I understand your position. 13 Notice of deposition was by defendant intervenors. And we have 14 presented the witness here today based upon and contingent upon 15 the agreement and understanding that these would be the limited 16 topics that would be discussed, voter education efforts, poll 17 worker training, and the intended areas of inquiry that were 18 listed in the notice of deposition pertaining to the document 19 requests. And at this point I'm not authorized to allow the 20 witness to answer questions beyond the scope of those topics.</p> <p>21 Q. Did the Secretary of State take a public position on 22 voter ID that you're aware of?</p> <p>23 MR. BRISSENDEN: Objection, instruct you not to 24 answer.</p> <p>25 Q. Did the Secretary of State take a public position on</p>



<p style="text-align: center;">81</p> <p>1 Senate Bill 14?</p> <p>2 MR. BRISSENDEN: Same objection. Instruct you not to</p> <p>3 answer.</p> <p>4 Q. Are you following the advice of counsel?</p> <p>5 A. Yes. Sorry.</p> <p>6 MS. WESTFALL: Could you mark this. Let's do</p> <p>7 560.</p> <p>8 (Exhibit No. U.S. 560 marked)</p> <p>9 Q. You've been handed what's been marked U.S. Exhibit</p> <p>10 560. Do you recognize this document?</p> <p>11 A. Yes.</p> <p>12 Q. What is it?</p> <p>13 MR. BRISSENDEN: To the extent that Exhibit 560</p> <p>14 contains content or was part of your effort to educate voters,</p> <p>15 I'm going to allow you to answer. To the extent that this</p> <p>16 document was prepared -- to the extent you have knowledge aside</p> <p>17 from efforts to educate voters with regards to S.B. 14, I'd</p> <p>18 instruct you not to answer.</p> <p>19 Q. So I believe you testified you recognize this</p> <p>20 document, correct?</p> <p>21 A. Yes.</p> <p>22 Q. And what is this document?</p> <p>23 A. It's a press release issued March 12th. I believe</p> <p>24 that's the day that the Department of Justice notified Texas</p> <p>25 that it was not going to preclear Senate Bill 14.</p>	<p style="text-align: center;">83</p> <p>1 Andrade, could you describe what she told you that informed what</p> <p>2 you put in this press release?</p> <p>3 A. I don't recall what was said.</p> <p>4 Q. Can you describe what you asked of her?</p> <p>5 A. I told her, I guess -- as I recall, I told her that we</p> <p>6 would be putting out a press release to announce that the</p> <p>7 Department of Justice had declined preclearance and that we</p> <p>8 needed to let people know -- let voters know that Senate Bill 14</p> <p>9 and the photo ID's requirements within that bill would not be in</p> <p>10 effect for any of the May elections.</p> <p>11 Q. Is it your practice when you have a quote from the</p> <p>12 Secretary to run that language by her, to seek her authorization</p> <p>13 for a press release?</p> <p>14 A. Generally, but not always.</p> <p>15 Q. Do you recall preparing a draft of this press release</p> <p>16 and presenting it to the Secretary to seek her approval on the</p> <p>17 language in the press release?</p> <p>18 A. Yes.</p> <p>19 Q. Did she approve the language in this press release?</p> <p>20 MR. BRISSENDEN: Objection to the extent it calls</p> <p>21 for speculation.</p> <p>22 MS. WESTFALL: You may answer.</p> <p>23 A. Yes.</p> <p>24 Q. Did she approve the quote from -- that is listed in</p> <p>25 this press release?</p>
<p style="text-align: center;">82</p> <p>1 Q. Did you draft this document?</p> <p>2 A. Yes.</p> <p>3 Q. Did you speak with anyone in the Secretary of State's</p> <p>4 office in drafting this document?</p> <p>5 A. I'm sure I did.</p> <p>6 Q. Did you speak with the Secretary Andrade?</p> <p>7 A. Yes.</p> <p>8 Q. Can you describe that conversation that you had with</p> <p>9 the Secretary?</p> <p>10 MR. BRISSENDEN: Again, my instruction to you</p> <p>11 would be the same. To the extent that this is a document that</p> <p>12 was prepared as part of the Secretary of State's and your</p> <p>13 office's voter education efforts and that was the purpose of the</p> <p>14 document, you may do so. To the extent that the document and</p> <p>15 the conversations that you had with Secretary were not part of</p> <p>16 voter education efforts, I would instruct you not to answer.</p> <p>17 Q. This press release describing the Secretary's position</p> <p>18 and the comments on the Justice Department's refusal to preclear</p> <p>19 S.B. 14 was public education, was it not?</p> <p>20 A. The intent of this was to inform voters that photo ID</p> <p>21 would not be in effect for the May 29th -- or the May 2012</p> <p>22 primary elections, nor would it be in effect for the May 12th</p> <p>23 uniform elections, and to remind voters and the media what would</p> <p>24 be permissible, that current law would be essentially in effect.</p> <p>25 Q. So getting back to your conversation with Secretary</p>	<p style="text-align: center;">84</p> <p>1 MR. BRISSENDEN: Again, my instruction would be</p> <p>2 the same and instruct you accordingly. And also to the extent</p> <p>3 the question calls for speculation, I would object.</p> <p>4 MS. WESTFALL: You may answer.</p> <p>5 A. Can you ask it again.</p> <p>6 Q. Certainly. Did the Secretary authorize this quote</p> <p>7 from her that you've put in the release? Did she review that</p> <p>8 language?</p> <p>9 MR. BRISSENDEN: Same objection, same</p> <p>10 instruction.</p> <p>11 MS. WESTFALL: You may answer.</p> <p>12 A. Yes.</p> <p>13 Q. Did you see in the release at the first paragraph that</p> <p>14 it indicates that Senate Bill 14 was designed for voter fraud</p> <p>15 prevention?</p> <p>16 A. Yes.</p> <p>17 Q. Do you know why you indicated in this press release</p> <p>18 that Senate Bill 14 was designed for voter fraud prevention?</p> <p>19 MR. BRISSENDEN: I'm going to object at this time</p> <p>20 to the extent that it requires -- that we're going beyond the</p> <p>21 topic of just voter education efforts in general and we're now</p> <p>22 delving into thought processes, opinions as to Senate Bill 14</p> <p>23 and purposes that are stated there, and instruct you not to</p> <p>24 answer.</p> <p>25 MS. WESTFALL: Mr. Brissenden, Mr. Parsons</p>



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1 is not an elected official. I'm not asking him about any
2 communications with any particular legislators. He has just
3 testified that the purpose of this press release was to educate
4 voters. I would ask you to withdraw your instruction to your
5 witness not to answer that question.

6 MR. BRISSENDEN: At this time I'm not asserting a
7 legislative privilege. I am, based upon the scope of the
8 deposition that we were -- that we had agreed to, that this
9 would be about voter education efforts and poll worker training
10 and implementation of S.B. 14 and not inquiry as to the purpose
11 of S.B. 14.

12 MS. WESTFALL: Well, even under --

13 MR. BRISSENDEN: With that instruction, on that
14 basis, I'm going to instruct you not to answer.

15 MS. WESTFALL: Even under that, your own logic,
16 with which I take strong issue, the witness has just testified
17 that this press release was to advise voters the ID that they
18 needed for the primary elections and to explain why they needed
19 that type of certain ID and why the status quo remained in place
20 as opposed to new ID requirements that the legislature had
21 passed in 2011. So I think even under your reasoning, I may ask
22 the witness questions about the substance of this press release.
23 And I take strong issue with your instruction and ask you to
24 reconsider your instruction.

25 MR. BRISSENDEN: And as I read the press release,

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1 there's a portion of it that is dealing with preclearance
2 process, the administrative preclearance process and comments
3 about the purpose of S.B. 14, as opposed to the bottom half of
4 the document that talks about voter ID requirements of S.B. 14
5 and educating voters about the bill and educating them about
6 which IDs would be required or not required for purposes of the
7 May 29th primary. And so I don't believe that my position is in
8 the least bit contrary.

9 MS. WESTFALL: I disagree.

10 MR. BRISSENDEN: I understand. And with that, on
11 that basis, I would instruct you not to answer.

12 Q. Do you know what the purpose of Senate Bill 14 was?

13 MR. BRISSENDEN: Objection, instruct you not to
14 answer.

15 Q. Do you see that in the first paragraph of the press
16 release you wrote that Senate Bill 14 requires voters in Texas
17 to provide certain government issued photo ID when voting to
18 help insure positive identification at the polls? Do you see
19 that?

20 MR. BRISSENDEN: You can answer as to whether you
21 see that or not in the document.

22 A. Yes, I do see that.

23 Q. Do you know why it is needed -- why S.B. 14 was needed
24 to help insure positive identification at the polls?

25 MR. BRISSENDEN: Same objection. Instruct you

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1 not to answer.

2 Q. Are you aware of any facts that indicate the current
3 system for identifying voters at the polls is insufficient and
4 that additional measures like Senate Bill 14 are needed?

5 MR. BRISSENDEN: Same objection. Instruct you
6 not to answer.

7 Q. Do you see that the second paragraph indicates that
8 Secretary of State Andrade was extremely disappointed or
9 disappointing -- I guess the decision was disappointing not to
10 preclear the law?

11 A. Yes, I see that.

12 Q. Do you see that language?

13 A. Yes, ma'am.

14 Q. Why was Secretary Andrade disappointed about the
15 decision?

16 MR. BRISSENDEN: Same objection. Instruct you
17 not to answer at this time.

18 Q. Do you see that it refers to matching separate sets of
19 data that were provided to the Justice Department in Paragraph
20 2?

21 A. Yes.

22 Q. Are you aware of the existence of any more accurate
23 information that Texas -- about which -- about which particular
24 Texans do not currently possess allowable forms of ID under
25 Senate Bill 14?

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1 MR. BRISSENDEN: Objection, instruct you not to
2 answer.

3 Q. Are you aware of the existence of any more accurate
4 information about which Texans disaggregated by race do not
5 currently possess the allowable forms of photo ID under Senate
6 Bill 14?

7 MR. BRISSENDEN: Objection, instruct you not to
8 answer.

9 Q. And do you see at the bottom half of the page that it
10 indicates that current law will apply to the May 12th and 29th
11 primary elections?

12 A. Yes.

13 Q. And that that current law, as it pertains to
14 identifying voters at the polls on election day; is that right?
15 It refers to the current law as it pertains to voter
16 identification at the polls; is that correct?

17 A. Yes.

18 Q. And I believe you testified earlier that you were
19 advising voters and informing them that the current system will
20 remain in place for the primary elections; is that right?

21 MR. BRISSENDEN: You may answer.

22 A. Yes.

23 Q. Since the time of this press release on March 12th,
24 did the State of Texas administer primary elections on May 12th
25 and May 29th, 2012?



<p style="text-align: center;">89</p> <p>1 A. Can you ask that again.</p> <p>2 Q. Certainly. Were there elections in Texas on May 12th,</p> <p>3 2012?</p> <p>4 A. Yes.</p> <p>5 Q. Were there elections in Texas on May 29th, 2012?</p> <p>6 A. Yes.</p> <p>7 Q. Are you aware of any problems that occurred during</p> <p>8 those elections in identifying voters at the polls?</p> <p>9 MR. BRISSENDEN: To the extent that you have</p> <p>10 knowledge or information as a part of your efforts to educate</p> <p>11 voters, then part of the voter education program, I'm going to</p> <p>12 allow you to answer that.</p> <p>13 To the extent that that involves information,</p> <p>14 work that you did not pertaining to your voter education efforts</p> <p>15 in the office, I'd instruct you not to answer.</p> <p>16 MS. WESTFALL: Can you answer the question?</p> <p>17 A. I'm not aware of any.</p> <p>18 Q. So you're not aware of any problems in identifying</p> <p>19 voters at the polls in the primary elections in 2012; is that</p> <p>20 correct?</p> <p>21 A. That's correct.</p> <p>22 Q. Are you aware of any reports of in-person voter</p> <p>23 impersonation that were reported during the administration of</p> <p>24 either of those elections?</p> <p>25 MR. BRISSENDEN: My instruction would be the</p>	<p style="text-align: center;">91</p> <p>1 MR. BRISSENDEN: Same instruction.</p> <p>2 A. Based on the context of what he's instructing me.</p> <p>3 Q. Have you received any inquiries from the media about</p> <p>4 the number of Texans without the allowable forms of ID under</p> <p>5 Senate Bill 14?</p> <p>6 MR. BRISSENDEN: Objection, instruct you not to</p> <p>7 answer.</p> <p>8 Q. Are you going to follow your counsel's advice?</p> <p>9 A. Yes.</p> <p>10 Q. What information or data have you supplied to the</p> <p>11 media related to Senate Bill 14 since you have started working</p> <p>12 for the Secretary of State's office?</p> <p>13 MR. BRISSENDEN: To the extent that that question</p> <p>14 pertains to knowledge or information that you have that you</p> <p>15 released to the media for purposes of the offices of the State's</p> <p>16 voter education efforts, I'm going to allow you to answer.</p> <p>17 To the extent that there was press releases or</p> <p>18 information provided that was beyond the scope or aside from</p> <p>19 purposes of voter education efforts and for purposes of</p> <p>20 educating voters, I'd instruct you not to answer.</p> <p>21 A. We have information on our web site of the number of</p> <p>22 registered voters by county and statewide. I provided that to</p> <p>23 some media.</p> <p>24 Q. Have you supplied to the media any information or</p> <p>25 analysis the Secretary of State has done about the number of</p>
<p style="text-align: center;">90</p> <p>1 same. I think at this point we're getting for afield from voter</p> <p>2 education efforts and talking and focussing more on voter fraud.</p> <p>3 Instruct you not to answer.</p> <p>4 Q. After the May 29 primary election, did Secretary</p> <p>5 Andrade release any sort of communication talking about how the</p> <p>6 election went from an administration standpoint?</p> <p>7 A. Can you be more specific.</p> <p>8 Q. Certainly.</p> <p>9 Did Secretary Andrade indicate in any sort of</p> <p>10 communication that the May 29th election was run smoothly?</p> <p>11 MR. BRISSENDEN: My instruction to you would be</p> <p>12 the same.</p> <p>13 MS. WESTFALL: What is the instruction?</p> <p>14 MR. BRISSENDEN: To the extent that you have</p> <p>15 knowledge or information about that as part of your work in</p> <p>16 discussing or pertaining to your voter education efforts, if</p> <p>17 there was such a press release for purposes of educating voters,</p> <p>18 you may answer.</p> <p>19 To the extent that -- if there was a press</p> <p>20 release and that was for some other purpose, then I instruct you</p> <p>21 not to answer.</p> <p>22 Q. Can you answer the question?</p> <p>23 A. No.</p> <p>24 Q. There was no such communication about the May 29</p> <p>25 election? Is that your testimony?</p>	<p style="text-align: center;">92</p> <p>1 registered voters who do not have allowable forms of ID under</p> <p>2 Senate Bill 14?</p> <p>3 MR. BRISSENDEN: Objection, instruct you not to</p> <p>4 answer.</p> <p>5 MS. WESTFALL: That's public education, even</p> <p>6 under your rubric. That should be a permissible question.</p> <p>7 MR. BRISSENDEN: In terms of your asking about</p> <p>8 data --</p> <p>9 MS. WESTFALL: It's being provided to the media</p> <p>10 as public education. I think the media is an outlet for public</p> <p>11 education, is it not?</p> <p>12 MR. BRISSENDEN: Not necessarily. Not for</p> <p>13 purposes of releasing data as it pertains to the preclearance</p> <p>14 process. It may not have been for purposes of educating voters.</p> <p>15 So with that caveat, instruct you not to answer.</p> <p>16 MS. WESTFALL: You think the media just holds on</p> <p>17 to the information for the sake of itself? I take strong issue</p> <p>18 with your instruction. Maybe this will be considered at a later</p> <p>19 date by other people. So we'll let it --</p> <p>20 MR. BRISSENDEN: I'm trying to work with you and</p> <p>21 trying to have the witness answer some of your questions</p> <p>22 pursuant to the agreement that was reached about --</p> <p>23 MS. WESTFALL: To which we were not a party.</p> <p>24 MR. BRISSENDEN: And I'm trying to work with you</p> <p>25 allowing him to answer some of the questions here today. It's</p>



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1 not that I'm not -- being unreasonable. I'm just -- this was
2 the agreement that was reached and that was our understanding
3 for purposes of presenting Mr. Parsons here on such short
4 notice.

5 THE WITNESS: Can I take another break?

6 MS. WESTFALL: Certainly.

7 (Recess)

8 Q. Mr. Parsons, sitting here today, if a member of the
9 press asks you for the number of Texans who don't have an
10 allowable form of ID under Senate Bill 14, what would you tell
11 them?

12 MR. BRISSENDEN: Objection, instruct you not to
13 answer.

14 Q. Have you asked anyone in your office for that
15 information since you've been employed with the Secretary of
16 State since September 2011?

17 MR. BRISSENDEN: Objection, instruct you not to
18 answer.

19 Q. Sitting here today, if a member of the press asked you
20 for the number of minority voters in Texas who don't have a form
21 of allowable ID under Senate Bill 14, what would you tell them?

22 MR. BRISSENDEN: Same objection. Same
23 instruction.

24 Q. Are you following the advice of counsel?

25 A. Yes.

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1 Q. For all of the questions I just asked?

2 A. Yes, ma'am.

3 Q. Have you asked anyone in your office for the number of
4 minority voters in Texas who don't have a form of allowable ID
5 under Senate Bill 14?

6 MR. BRISSENDEN: Same objection and same
7 instruction.

8 Q. Are you following your counsel's advice?

9 A. Yes, ma'am.

10 Q. Has anyone in your office directed you not to answer
11 questions from the media related to the number of Texans who
12 don't have the number of forms of allowable ID under Senate Bill
13 14?

14 MR. BRISSENDEN: Same objection and same
15 instruction.

16 Q. Are you following your counsel's advice?

17 A. Yes, ma'am.

18 MS. WESTFALL: I will leave this deposition open
19 for the time being, given the disagreements about the scope of
20 the examination.

21 Thank you for your time.

22 MR. VANDEWALKER: Thank you for your time,
23 Mr. Parsons. The defendant intervenors have no further
24 questions.

25 MR. BRISSENDEN: And just I want to make the

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1 record clear that the State of Texas has not absolutely refused
2 to allow Mr. Parsons to appear for deposition, answer these
3 questions in another setting. The position has been that, for
4 purposes of today in this deposition, as was noticed by the
5 defendant intervenors, the topics that have been discussed today
6 in his deposition were to be limited, and that was the
7 understanding. So, just want the record to be clear for that.

8 MS. WESTFALL: My disagreement, strong
9 disagreement, with your position and your instructions to your
10 witness, which I think are in violation of the Federal Rules,
11 remain.

12 (Deposition concluded at 5:23 p.m.)
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CHANGES AND SIGNATURE

1 WITNESS NAME _____ DATE OF DEPOSITION _____

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I, RICHARD PARSONS, have read the foregoing deposition
and hereby affix my signature that same is true and correct,
except as noted above.

RICHARD PARSONS

THE STATE OF TEXAS)

COUNTY OF TRAVIS)

Before me, _____, on this day personally
appeared RICHARD PARSONS known to me (or proved to me under oath
of through _____) (description of identity card or other
document) to be the person whose name is subscribed to the
foregoing instrument and acknowledged to me that they executed
the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____
day of _____.

NOTARY PUBLIC IN AND FOR
THE STATE OF

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witness for examination, signature and return to me
by _____;

That the amount of time used by each party at the
deposition is as follows:

Mr. Vandewalker - 02:40

Mr. Westfall - 00:30

That pursuant to information given to the
deposition officer at the time said testimony was taken the
following includes counsel for all parties of record:

Mr. Brissenden, Attorney for Plaintiff

Ms. Westfall, Attorney for Defendant

Mr. Vandewalker, Attorney for Defendant-Intervenor

I further certify that I am neither counsel for,
related to, nor employed by any of the parties or attorneys in
the action in which this proceeding was taken, and further that
I am not financially or otherwise interested in the outcome of
the action.

Certified to by me this _____ day of _____, 2012.

Amy Kofron

Amy Kofron, Texas CSR #6352

Expiration Date: 12/31/2013

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS,)
Plaintiff,)

V.)

ERIC H. HOLDER, JR.,)
in his official capacity)
as Attorney General of)
the United States,)
Defendant.)

ERIC KENNIE, et al.,)
Defendant-Intervenor,)

TEXAS STATE CONFERENCE) CASE NO. 1:12-CV-00128
OF NAACP BRANCHES, et al.,) (RMC-DST-RLW)
Defendant-intervenor,) Three-Judge Court

TEXAS LEAGUE OF YOUNG)
VOTERS EDUCATION FUND, et al.,)
Defendant-Intervenor,)

TEXAS LEGISLATIVE BLACK)
CAUCUS, et al.,)
Defendant-Intervenor,)

VICTORIA RODRIGUEZ, et al.,)
Defendant-Intervenor.)

REPORTER'S CERTIFICATION
DEPOSITION OF RICHARD PARSONS
June 14, 2012

I, Amy C. Kofron, Certified Shorthand Reporter in
and for the State of Texas, hereby certify to the following:
That the witness, RICHARD PARSONS, was duly sworn
by the officer and that the transcript of the oral deposition is
a true record of the testimony given by the witness;
That the deposition transcript was submitted
on _____ to the witness or to the attorney for the



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